

By: Huffman

S.B. No. 530

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prosecution and punishment of the criminal offense
3 of harassment; creating a criminal offense.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 42.07, Penal Code, is amended by
6 amending (a) and (c) and adding Subsection (d) to read as follows:

7 (a) A person commits an offense if, with intent to harass,
8 annoy, alarm, abuse, torment, or embarrass another, the person:

9 (1) initiates communication and in the course of the
10 communication makes a comment, request, suggestion, or proposal
11 that is obscene;

12 (2) threatens, in a manner reasonably likely to alarm
13 the person receiving the threat, to inflict bodily injury on the
14 person or to commit a felony against the person, a member of the
15 person 's family or household, or the person 's property;

16 (3) conveys, in a manner reasonably likely to alarm
17 the person receiving the report, a false report, which is known by
18 the conveyor to be false, that another person has suffered death or
19 serious bodily injury;

20 (4) causes the telephone of another to ring repeatedly
21 or makes repeated telephone communications anonymously or in a
22 manner reasonably likely to harass, annoy, alarm, abuse, torment,
23 embarrass, or offend another;

24 (5) makes a telephone call and intentionally fails to

1 hang up or disengage the connection;

2 (6) knowingly permits a telephone under the person 's
3 control to be used by another to commit an offense under this
4 section; ~~[or]~~

5 (7) sends repeated electronic communications in a
6 manner reasonably likely to harass, annoy, alarm, abuse, torment,
7 embarrass, or offend another; or

8 (8) publishes on an Internet website, including a
9 social media platform, repeated electronic communications in a
10 manner reasonably likely to cause emotional distress, abuse, or
11 torment to another person, unless the communications are made in
12 connection with a matter of public concern.

13 (c) An offense under this section is a Class B misdemeanor,
14 except that the offense is a Class A misdemeanor if:

15 (1) the actor has previously been convicted under this
16 section; or

17 (2) the offense was committed under Subsection (a)(7)
18 or (8) and:

19 (A) the offense was committed against a child
20 under 18 years of age with the intent that the child:

21 (i) commit suicide; or

22 (ii) engage in conduct causing serious
23 bodily injury to the child; or

24 (B) the actor has previously violated a temporary
25 restraining order or injunction issued under Chapter 129A, Civil
26 Practice and Remedies Code.

27 (d) In this article, "matter of public concern" has the

1 meaning assigned by Section 27.001, Civil Practice and Remedies
2 Code.

3 SECTION 2. The change in law made by this Act applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 governed by the law in effect on the date the offense was committed,
7 and the former law is continued in effect for that purpose. For
8 purposes of this section, an offense was committed before the
9 effective date of this Act if any element of the offense occurred
10 before that date.

11 SECTION 3. This Act takes effect September 1, 2021.