

1-1 By: Huffman S.B. No. 530
1-2 (In the Senate - Filed January 29, 2021; March 11, 2021,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 April 19, 2021, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 19, 2021, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7 | | | | |
| 1-8 | X | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to the prosecution and punishment of the criminal offense
1-16 of harassment; creating a criminal offense.

1-17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-18 SECTION 1. Section 42.07, Penal Code, is amended by
1-19 amending Subsections (a) and (c) and adding Subsection (d) to read
1-20 as follows:

1-21 (a) A person commits an offense if, with intent to harass,
1-22 annoy, alarm, abuse, torment, or embarrass another, the person:

1-23 (1) initiates communication and in the course of the
1-24 communication makes a comment, request, suggestion, or proposal
1-25 that is obscene;

1-26 (2) threatens, in a manner reasonably likely to alarm
1-27 the person receiving the threat, to inflict bodily injury on the
1-28 person or to commit a felony against the person, a member of the
1-29 person's family or household, or the person's property;

1-30 (3) conveys, in a manner reasonably likely to alarm
1-31 the person receiving the report, a false report, which is known by
1-32 the conveyor to be false, that another person has suffered death or
1-33 serious bodily injury;

1-34 (4) causes the telephone of another to ring repeatedly
1-35 or makes repeated telephone communications anonymously or in a
1-36 manner reasonably likely to harass, annoy, alarm, abuse, torment,
1-37 embarrass, or offend another;

1-38 (5) makes a telephone call and intentionally fails to
1-39 hang up or disengage the connection;

1-40 (6) knowingly permits a telephone under the person's
1-41 control to be used by another to commit an offense under this
1-42 section; ~~or~~

1-43 (7) sends repeated electronic communications in a
1-44 manner reasonably likely to harass, annoy, alarm, abuse, torment,
1-45 embarrass, or offend another; or

1-46 (8) publishes on an Internet website, including a
1-47 social media platform, repeated electronic communications in a
1-48 manner reasonably likely to cause emotional distress, abuse, or
1-49 torment to another person, unless the communications are made in
1-50 connection with a matter of public concern.

1-51 (c) An offense under this section is a Class B misdemeanor,
1-52 except that the offense is a Class A misdemeanor if:

1-53 (1) the actor has previously been convicted under this
1-54 section; or

1-55 (2) the offense was committed under Subsection (a)(7)
1-56 or (8) and:

1-57 (A) the offense was committed against a child
1-58 under 18 years of age with the intent that the child:

1-59 (i) commit suicide; or

1-60 (ii) engage in conduct causing serious
1-61 bodily injury to the child; or

2-1 (B) the actor has previously violated a temporary
2-2 restraining order or injunction issued under Chapter 129A, Civil
2-3 Practice and Remedies Code.

2-4 (d) In this section, "matter of public concern" has the
2-5 meaning assigned by Section 27.001, Civil Practice and Remedies
2-6 Code.

2-7 SECTION 2. The change in law made by this Act applies only
2-8 to an offense committed on or after the effective date of this Act.
2-9 An offense committed before the effective date of this Act is
2-10 governed by the law in effect on the date the offense was committed,
2-11 and the former law is continued in effect for that purpose. For
2-12 purposes of this section, an offense was committed before the
2-13 effective date of this Act if any element of the offense occurred
2-14 before that date.

2-15 SECTION 3. This Act takes effect September 1, 2021.

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