

## **BILL ANALYSIS**

Senate Research Center

H.B. 611  
By: Capriglione; Garcia (Zaffirini)  
Criminal Justice  
5/17/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Internet crime is a growing problem in our technology focused world. One issue is "doxing," which refers to gathering a person's personal identifying information and posting it publicly without permission. Doxing, which is on the rise and largely legal, often is used as a tool for harassment online, although it also can lead to negative impacts on a person's reputation, mental well-being, and physical safety. Some doxing cases, including one notable case in Texas, resulted in months-long stalking and intimidation of the person whose personal information was released publicly without consent. What's more, studies such as the 2017 PEN America's Online Harassment Survey: Key Findings, indicate that doxing has a chilling effect on free speech.

H.B. 611 would prohibit a person from disclosing another person's residence address or phone number with intent to harm. Doing so would be a Class B misdemeanor, with the penalty increasing to a Class A misdemeanor if the offense results in bodily injury to the targeted person or family member. The bill also would establish the circumstances that are prima facie evidence of the actor's intent to cause harm or a threat of harm for purposes of the offense. If conduct constituting the offense would constitute a retaliation offense against public administration, the actor could be prosecuted for either offense, but not both offenses. Accordingly, H.B. 611 would help protect Texans' privacy, promote responsible online behavior, support free speech, and enhance safety for online environments.

H.B. 611 amends current law relating to the creation of the criminal offense of unlawful disclosure of residence address or telephone number.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 42, Penal Code, by adding Section 42.074, as follows:

Sec. 42.074. UNLAWFUL DISCLOSURE OF RESIDENCE ADDRESS OR TELEPHONE NUMBER. (a) Provides that a person commits an offense if the person posts on a publicly accessible website the residence address or telephone number of an individual with the intent to cause harm or a threat of harm to the individual or a member of the individual's family or household.

(b) Provides that an offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the offense results in the bodily injury of:

- (1) the individual whose residence address or telephone number was posted on a publicly accessible website; or
- (2) a member of the individual's family or household.

(c) Provides that this section does not apply to a public servant who posted information described by Subsection (a) to a publicly accessible website in the performance of the public servant's duties as required by or in accordance with state or federal law.

(d) Authorizes an actor, if conduct that constitutes an offense under this section also constitutes an offense under Section 36.06(a-1) (relating to providing that a person commits an offense if the person posts on a publicly accessible website certain information about of public servant or the public servant's family or household with the intent to cause harm), to be prosecuted under either section but not both.

SECTION 2. Effective date: September 1, 2023.