

BILL ANALYSIS

H.B. 611
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Internet crime is a growing problem, as is the act of doxing an individual. "Doxing," as commonly used, refers to the public posting of an individual's personal information without the individual's permission and with the intent to cause harm to the individual or a member of the individual's family or household. A university study has shown that more than 90 percent of the applicable doxed files included the doxing victim's address, 61 percent included a phone number, and 53 percent included an email address. Furthermore, 40 percent of victims' online user names were made public, and the same percentage revealed a victim's IP address.

Doxing victims must mitigate such exposure with a variety of measures. The study reports 32 percent of doxing victims closed or changed the privacy settings on an Instagram account, 25 percent adjusted the settings on a Facebook account after an attack, 10 percent altered an Instagram account, and 3 percent changed settings on Facebook once anti-abuse measures were in place. H.B. 611 seeks to address this issue by creating the criminal offense of unlawful disclosure of a residence address or telephone number, setting out the elements of the unlawful conduct and of prima facie evidence of intent, and providing for enhancement of the offense's Class B misdemeanor under specified circumstances.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 611 amends the Penal Code to create the Class B misdemeanor offense of unlawful disclosure of residence address or telephone number for a person who posts an individual's residence address or telephone number on a publicly accessible website with the intent to cause harm or a threat of harm to the individual or a member of the individual's family or household. The bill enhances the penalty to a Class A misdemeanor if the offense results in the bodily injury of that individual or a member of their family or household. The bill establishes prima facie evidence of the actor's intent to cause harm or a threat of harm for purposes of the offense if the actor receives a written demand from the individual to not disclose the address or telephone number for reasons of safety and does either of the following:

- fails to remove the address or number from the publicly accessible website within a period of 48 hours after receiving the demand; or

- reposts the address or number on the same or a different publicly accessible website, or makes the address or number publicly available through another medium, within a period of four years after receiving the demand.

If conduct constituting the offense also constitutes a retaliation offense against public administration, the actor may be prosecuted for either offense, but not both offenses.

EFFECTIVE DATE

September 1, 2023.