

BILL ANALYSIS

Senate Research Center
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H.B. 1427
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Temporary or "burner" phone numbers are short-term numbers and typically inexpensive or free. The user does not have to sign a formal contract with a communications provider or share personal information to receive a temporary number. The "burning" term means they can be disposed of once they have served their purpose, and are difficult to trace back to the user since they are not registered. Once deleted, the burner number, text messages and voicemails sent from the app are wiped permanently. Despite this, "burner" apps still require a cellular carrier or virtual number operator, so the cellular carrier is involved in every text, phone call, and data link, and holds account information that reveals a subscriber's identity; the information can be investigated with a subpoena.

Currently, there is a loophole in the Penal Code that allows obscene, intimidating, or threatening telephone calls or other electronic communications from temporary phone numbers to be excluded as harassment. This allows for harassment offenses to continue without criminal punishment and for the continued victimization of both children and adults.

H.B. 1427 addresses this harassment loophole from "burners" in Section 42.07(a) of the Penal Code by adding an act of harassment to include obscene, intimidating, or threatening phone calls or other electronic communications from a temporary or disposable telephone number provided by an Internet application or other technological means as an offense.

H.B. 1427 expands the types of harassment acts considered an offense. As technology continues to evolve, the legislature must include additional protections to address how harassment techniques have also changed.

H.B. 1427 amends current law relating to the prosecution of the offense of harassment.

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 Section 42.07(a), Penal Code, to provide that a person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person takes certain actions, including makes obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an Internet application or other technological means. Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.