

BILL ANALYSIS

H.B. 1784
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2020, state lawmakers in New York passed a bill to enable a survivor of domestic violence to obtain a restraining order to bar their abuser or harasser from being able to control web-connected or smart home devices like speakers or thermostats to commit further harassment from a distance. H.B. 1784 seeks to create a similar law in Texas that allows a court, when issuing a protective order, to prohibit the restrained party from remotely controlling any connected devices affecting the home, vehicle, or property of the person protected by the order. H.B. 1784 allows a court or magistrate to prohibit the remote controlling of an electronic device affecting the residence, vehicle, or property of a protective order applicant and adds the prohibition of this act as a potential condition for release on bond.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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. 1784 amends the Code of Criminal Procedure to authorize a court in issuing a protective order for a victim of an offense of sexual assault or abuse, indecent assault, stalking, or trafficking to prohibit the alleged offender from remotely controlling an electronic device affecting the residence, vehicle, or property of an applicant for a protective order or a member of the applicant's family or household. This provision applies only to an offense committed on or after the bill's effective date.

H.B. 1784 authorizes a magistrate, in an emergency protective order entered on or after the bill's effective date, to prohibit the arrested party from remotely controlling an electronic device affecting the residence, vehicle, or property of a person protected under order or a member of that person's family or household. The bill authorizes a magistrate to require as a condition of release on bond for a defendant charged with an offense committed on or after the bill's effective date involving family violence that the defendant refrain from engaging in such conduct.

H.B. 1784 amends the Family Code to authorize a court in a protective order for family violence that is rendered on or after the bill's effective date to do the following:

- prohibit a party in the order from remotely controlling an electronic device affecting the residence, vehicle, or property of a person named in the order; and

- prohibit the person found to have committed the family violence from remotely controlling an electronic device affecting the residence, vehicle, or property of a person protected by an order or a member of that person's family or household.

H.B. 1784 amends the Penal Code to include knowingly and intentionally remotely controlling an electronic device affecting the residence, vehicle, or property of a protected individual or a member of that person's family or household among the conduct that constitutes the offense of violating certain protective orders or conditions of bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case. This provision applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.