

BILL ANALYSIS

S.B. 1717
By: Zaffirini
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Stalking is a crime in which a person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that constitutes certain offenses, threats, or that causes a person or would cause a reasonable person certain fears or feelings. In the prosecution of a stalking offense, the parties may offer testimony about certain relevant facts and circumstances that may assist the trier of fact. In an effort to make the protections provided under state law against stalking more meaningful, S.B. 1717 seeks to expand the conduct and results that constitute the offense of stalking. The bill would also expand the relevant facts and circumstances that may be introduced in a prosecution for stalking, including previous conduct constituting family violence known to the victim in stalking prosecutions involving family violence.

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

S.B. 1717 amends the Penal Code to revise the conduct that constitutes the offense of stalking, as follows:

- with respect to the condition that the actor knows or reasonably should know the actor's conduct will be regarded by the other person as threatening bodily injury or death for a family or household member of the other person or an individual with whom the other person has a dating relationship, includes among the circumstances that may be regarded as being threatened in relation to the conduct that any offense will be committed against the member or individual;
- with respect to the condition that the actor's conduct causes the other person, family or household member, or individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death, includes among the circumstances that the person, member, or individual may be placed in fear of in relation to the conduct that any offense will be committed against the other person, member, or individual;
- with respect to the condition that the actor's conduct causes the other person, family or household member, or individual with whom the other person has a dating relationship to experience certain emotions, includes feeling terrified or intimidated among the requisite emotions that may be experienced; and
- with respect to the condition that the actor's conduct would cause a reasonable person to fear certain threats or experience certain emotions:

- limits the applicability of the condition to a reasonable person under circumstances similar to the circumstances of the other person;
- includes among those circumstances the condition that the person may fear that an offense will be committed against a family or household member of the other person or individual with whom the other person has a dating relationship; and
- includes feeling terrified or intimidated among the emotions that may be experienced.

The bill clarifies that, for purposes of the application of the offense, the applicable conduct must be directed at a specific other person.

S.B. 1717 amends the Code of Criminal Procedure to include among the testimony that may be offered as facts and circumstances in a prosecution for stalking that involves family violence, for purposes of determining whether the actor's conduct would cause a reasonable person in circumstances similar to the circumstances of the alleged victim to experience fear applicable to the offense, the actor's previous conduct constituting family violence, if known to the victim.

S.B. 1717 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.