88R4741 JRR-F

By:  Perry S.B. No. 269

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the criminal offense of residential picketing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Sections 42.04(a) and (c), Penal Code, are amended to read as follows:

(a)  If conduct that would otherwise violate Section 42.01(a)(5) (Unreasonable Noise), 42.03 (Obstructing Passageway), [~~or~~] 42.055 (Funeral Service Disruptions), or 42.056 (Residential Picketing) consists of speech or other communication, of gathering with others to hear or observe such speech or communication, or of gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political, or religious questions, the actor must be ordered to move, disperse, or otherwise remedy the violation prior to the actor's [~~his~~] arrest if the actor [~~he~~] has not yet intentionally harmed the interests of others which those sections seek to protect.

(c)  It is a defense to prosecution under Section 42.01(a)(5), 42.03, [~~or~~] 42.055, or 42.056:

(1)  that in circumstances in which this section requires an order no order was given;

(2)  that an order, if given, was manifestly unreasonable in scope; or

(3)  that an order, if given, was promptly obeyed.

SECTION 2.  Chapter 42, Penal Code, is amended by adding Section 42.056 to read as follows:

Sec. 42.056.  RESIDENTIAL PICKETING. (a) In this section:

(1)  "Dwelling" means any structure or part of a structure that is occupied as, or designed or intended for occupancy as, a residence by one or more individuals.

(2)  "Picketing" means:

(A)  standing, sitting, or repeated walking, riding, driving, or other similar action by a person displaying or carrying a banner, placard, or sign;

(B)  engaging in loud singing, chanting, whistling, or yelling, with or without noise amplification through a device such as a bullhorn or microphone; or

(C)  blocking access to a dwelling.

(b)  A person commits an offense if the person engages in picketing before or about the dwelling of any individual with the intent to harass or disturb the individual in the individual's dwelling.

(c)  An offense under this section is a Class B misdemeanor.

(d)  If conduct constituting an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.

SECTION 3.  This Act takes effect September 1, 2023.