

By: Capriglione

H.B. No. 611

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the criminal offense of unlawful disclosure of residence address or telephone number.

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

SECTION 1. Chapter 42, Penal Code, is amended by adding Section 42.074 to read as follows:

Sec. 42.074. UNLAWFUL DISCLOSURE OF RESIDENCE ADDRESS OR TELEPHONE NUMBER. (a) A person commits an offense if the person posts on a publicly accessible website the residence address or telephone number of an individual with the intent to cause harm or a threat of harm to the individual or a member of the individual's family or household.

(b) An offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the offense results in the bodily injury of:

(1) the individual whose residence address or telephone number was posted on a publicly accessible website; or

(2) a member of the individual's family or household.

(c) For purposes of Subsection (a), it is prima facie evidence of the intent to cause harm or a threat of harm to an individual whose residence address or telephone number was posted on a publicly accessible website or to a member of the individual's family or household if the actor:

(1) receives a written demand from the individual to

1 not disclose the address or telephone number for reasons of safety;  
2 and

3 (2) either:

4 (A) fails to remove the address or telephone  
5 number from the publicly accessible website within a period of 48  
6 hours after receiving the demand; or

7 (B) reposts the address or telephone number on  
8 the same or a different publicly accessible website, or makes the  
9 information publicly available through another medium, within a  
10 period of four years after receiving the demand.

11 (d) If conduct that constitutes an offense under this  
12 section also constitutes an offense under Section 36.06(a-1), the  
13 actor may be prosecuted under either section but not both.

14 SECTION 2. This Act takes effect September 1, 2023.