

1-1 By: Zaffirini S.B. No. 1717
1-2 (In the Senate - Filed March 7, 2023; March 16, 2023, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 March 30, 2023, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; March 30, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Flores	X		
1-10	Bettencourt	X		
1-11	Hinojosa	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the prosecution of the offense of stalking.
1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-19 SECTION 1. Article 38.46(a), Code of Criminal Procedure, is
1-20 amended to read as follows:
1-21 (a) In a prosecution for stalking, each party may offer
1-22 testimony as to all relevant facts and circumstances that would aid
1-23 the trier of fact in determining whether the actor's conduct would
1-24 cause a reasonable person in circumstances similar to the
1-25 circumstances of the alleged victim to experience a fear described
1-26 by Section 42.072(a)(3)(A), (B), or (C), Penal Code, including:
1-27 (1) the facts and circumstances surrounding any
1-28 existing or previous relationship between the actor and the alleged
1-29 victim, a member of the alleged victim's family or household, or an
1-30 individual with whom the alleged victim has a dating relationship;
1-31 and
1-32 (2) if a prosecution for stalking involves family
1-33 violence, as defined by Section 71.004, Family Code, and the
1-34 actor's previous conduct constituting family violence was known to
1-35 the victim, the actor's previous conduct constituting family
1-36 violence.
1-37 SECTION 2. Section 42.072(a), Penal Code, is amended to
1-38 read as follows:
1-39 (a) A person commits an offense if the person, on more than
1-40 one occasion and pursuant to the same scheme or course of conduct
1-41 that is directed [~~specifically~~] at a specific other [~~another~~]
1-42 person, knowingly engages in conduct that:
1-43 (1) constitutes an offense under Section 42.07, or
1-44 that the actor knows or reasonably should know the other person will
1-45 regard as threatening:
1-46 (A) bodily injury or death for the other person;
1-47 or
1-48 (B) that an offense will be committed against:
1-49 (i) [bodily injury or death for] a member of
1-50 the other person's family or household; [or]
1-51 (ii) [for] an individual with whom the
1-52 other person has a dating relationship; or
1-53 (iii) [(C) that an offense will be
1-54 committed against] the other person's property;
1-55 (2) causes the other person, a member of the other
1-56 person's family or household, or an individual with whom the other
1-57 person has a dating relationship:
1-58 (A) to be placed in fear of bodily injury or death
1-59 or in fear that an offense will be committed against the other
1-60 person, a member of the other person's family or household, or an
1-61 individual with whom the other person has a dating relationship, or

2-1 the other person's property;~~7~~ or
 2-2 (B) to feel harassed, terrified, intimidated,
 2-3 annoyed, alarmed, abused, tormented, embarrassed, or offended; and
 2-4 (3) would cause a reasonable person under
 2-5 circumstances similar to the circumstances of the other person to:
 2-6 (A) fear bodily injury or death for the person
 2-7 ~~[himself or herself]~~;
 2-8 (B) fear that an offense will be committed
 2-9 against [bodily injury or death for] a member of the person's family
 2-10 or household or ~~[for]~~ an individual with whom the person has a
 2-11 dating relationship;
 2-12 (C) fear that an offense will be committed
 2-13 against the person's property; or
 2-14 (D) feel harassed, terrified, intimidated,
 2-15 annoyed, alarmed, abused, tormented, embarrassed, or offended.

2-16 SECTION 3. The change in law made by this Act applies only
 2-17 to an offense committed on or after the effective date of this Act.
 2-18 An offense committed before the effective date of this Act is
 2-19 governed by the law in effect on the date the offense was committed,
 2-20 and the former law is continued in effect for that purpose. For
 2-21 purposes of this section, an offense was committed before the
 2-22 effective date of this Act if any element of the offense occurred
 2-23 before that date.

2-24 SECTION 4. This Act takes effect September 1, 2023.

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