

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Business & Industry

For HB 2336

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Hearing Date: April 3, 2023 8:30 AM

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I strongly oppose HB 2336.

It is a terribly written bill and I urge you to let it die in committee.

The analysis for its companion bill, SB 58, clearly and specifically indicates that the bill's intended target are bots. No explicit or implicit reference to bots can be found in either of these bills. Instead, Sec 328.001 (lines 8-11, p1) provide a definition substantially broader than bots. The overly broad terms used leave room for partisan-based, political and ideological interpretations. These can be used for nefarious and unethical purposes.

Instead of serving any public interest HB 2336 is a significant violation of the privacy of anyone buying goods online. 328.001.2 is an egregious violation of privacy. Disguising a consumer's identity, particularly by the consumer, is a valid practice if that person does so to avoid expectations of violence, discrimination, or isolation by others. This is especially true of transgender individuals, and others in the LGBTQ+ tent. In fact the 88th Congress is filled with anti-trans bill proposals. Some legislators are even fine if trans individuals are met with violence by others.

HB 2336 would prohibit the use of VPNs per 328.001. Note that dictators in places like Russia have sought to do this for many years. Also note that there is a growing fascist culture here in America. HB 2336 fits well in the agenda for such things.

Allowing the Attorney General to exercise choice in whether to enforce HB 2336 (338.002.b, lines 4-7, p2) ensures individuals will not face equal justice under law. Given Texas' partisanship I expect unequal enforcement of the law in pursuit of political power and ideology to be the norm, not exception.

Regardless, HB 2336 is unenforceable and an onerous burden upon the Attorney General's staff and law enforcement. Look how successfully dictators have managed to stop the use of VPNs in their countries. And that's after making the seller, from individuals to large corporations like Amazon, self-police and enforce this bill's prohibitions. These sellers also bear a level of liability if, by no fault of their own or lack of diligence, prohibited items are used.

If, after facing the requirements of HB 2336, the number of sellers willing to do business online in Texas decreases or they end sales within Texas, this bill would violate the Interstate Commerce clause of the US Constitution. Remember, many sellers, especially companies like Amazon, are not in Texas. If they change their behavior in Texas due to HB 2336, but not for other states, that looks like a clear and simple violation of the IC clause.

In closing, I urge you to let HB 2336, a poorly written bill that does not agree with its stated intent in the analysis of SB 58 (identical), be left to die a quick death in committee.

Respectfully,

Chris J. Donofrio