

BILL ANALYSIS

H.B. 368
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2020, state lawmakers in New York passed a bill to enable a victim of domestic violence to obtain a restraining order to bar their abuser or harasser from being able to control Internet-connected devices like smart speakers or thermostats to commit further harassment from a distance. H.B. 368 seeks to create a similar law in Texas that allows a court to prohibit an alleged offender from remotely controlling an electronic device that affects the residence, vehicle, or property of an alleged victim.

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

H.B. 368 amends the Code of Criminal Procedure to authorize a court, in issuing a protective order for a victim of an offense of sexual assault or abuse, indecent assault, stalking, or trafficking, to prohibit the alleged offender from remotely controlling an electronic device affecting the residence, vehicle, or property of an applicant for a protective order or a member of the applicant's family or household.

H.B. 368 authorizes a magistrate, in an order for emergency protection, to prohibit the arrested party from remotely controlling an electronic device affecting the residence, vehicle, or property of a person protected under the order or a member of that person's family or household. The bill authorizes a magistrate to require as a condition of release on bond for a defendant charged with an offense involving family violence that the defendant refrain from remotely controlling an electronic device affecting the residence, vehicle, or property of the alleged victim of the offense.

H.B. 368 amends the Family Code to authorize a court, after the filing of a suit for dissolution of a marriage, on the motion of a party or on the court's own motion, to grant a temporary restraining order without notice to the adverse party for the preservation of the property and for the protection of the parties as necessary, including an order prohibiting one or both parties from remotely controlling an electronic device affecting the residence, vehicle, or property of a party. The bill authorizes a court in a protective order for family violence to do the following:

- prohibit a party in the order from remotely controlling an electronic device affecting the residence, vehicle, or property of a person named in the order; and

- prohibit the person found to have committed the family violence from remotely controlling an electronic device affecting the residence, vehicle, or property of a person protected by an order or a member of that person's family or household.

H.B. 368 amends the Penal Code to include knowingly or intentionally remotely controlling an electronic device affecting the residence, vehicle, or property of a protected individual or a member of that person's family or household among the conduct that constitutes the offense of violating certain protective orders or conditions of bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case. The bill includes remotely controlling an electronic device affecting the residence, vehicle, or property of another person with the intent to harass, annoy, alarm, abuse, torment, or embarrass that person among the conduct that constitutes the offense of harassment.

H.B. 368 applies only to the following, as applicable:

- a protective order or temporary restraining order rendered on or after the bill's effective date;
- an order for emergency protection entered on or after the bill's effective date; and
- an offense committed on or after the bill's effective date, including as it relates to a defendant released on bond.

A protective order or temporary restraining order rendered, an order for emergency protection entered, or an offense committed before the bill's effective date is governed by the law in effect on the date the order was rendered or entered or the offense was committed. For such purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.