

By: Capriglione, Moody, Curry, Plesa, Noble

H.B. No. 3425

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of certain criminal offenses involving the unlawful disclosure of a residence address or telephone number.

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

SECTION 1. Sections 36.06(a-1) and (d), Penal Code, are amended to read as follows:

(a-1) A person commits an offense if the person posts on a publicly accessible website or discloses through an electronic communication the residence address or telephone number of an individual the actor knows is a public servant or a member of a public servant's family or household with the intent to cause harm or a threat of harm to the individual or a member of the individual's family or household in retaliation for or on account of the service or status of the individual as a public servant.

(d) For purposes of an offense under Subsection (a-1) involving the posting of a residence address or telephone number on a publicly accessible website, it is prima facie evidence of the intent to cause harm or a threat of harm to an individual the person knows is a public servant or a member of a public servant's family or household if the actor:

(1) receives a written demand from the individual to not disclose the address or telephone number for reasons of safety; and

(2) either:

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

(B) reposts the address or telephone number on the same or a different publicly accessible website, or makes the information publicly available through another medium, within a period of four years after receiving the demand, regardless of whether the individual is no longer a public servant.

SECTION 2. Section 36.06(b), Penal Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Electronic communication" has the meaning assigned by Section 42.07.

(1-a) "Honorably retired peace officer" means a peace officer who:

(A) did not retire in lieu of any disciplinary action;

(B) was eligible to retire from a law enforcement agency or was ineligible to retire only as a result of an injury received in the course of the officer's employment with the agency; and

(C) is entitled to receive a pension or annuity for service as a law enforcement officer or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the officer does not offer a pension or annuity to its employees.

SECTION 3. Section 42.074, Penal Code, is amended by

amending Subsections (a), (b), and (c) and adding Subsection (e) to read as follows:

(a) A person commits an offense if the person posts on a publicly accessible website or discloses through an electronic communication 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 disclosed through an electronic communication; or

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

(c) This section does not apply to a public servant who posted information described by Subsection (a) to a publicly accessible website or disclosed that information through an electronic communication in the performance of the public servant's duties as required by or in accordance with state or federal law.

(e) In this section, "electronic communication" has the meaning assigned by Section 42.07.

SECTION 4. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of

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1 this Act if any element of the offense occurred before that date.

2 SECTION 5. This Act takes effect September 1, 2025.