

By: Capriglione

H.B. No. 3425

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of certain criminal offenses involving
3 the unlawful disclosure of a residence address or telephone number.

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

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

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

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

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

24 (2) either:

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

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

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

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

14 (1-a) "Honorably retired peace officer" means a peace
15 officer who:

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

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

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

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

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

3 (a) A person commits an offense if the person posts on a
4 publicly accessible website or discloses through an electronic
5 communication the residence address or telephone number of an
6 individual with the intent to cause harm or a threat of harm to the
7 individual or a member of the individual's family or household.

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

11 (1) the individual whose residence address or
12 telephone number was posted on a publicly accessible website or
13 disclosed through an electronic communication; or

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

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

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

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

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

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