

1-1 By: Watson S.B. No. 923
1-2 (In the Senate - Filed March 3, 2015; March 9, 2015, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 30, 2015, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 30, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Burton	X		
1-11	Creighton	X		
1-12	Hinojosa	X		
1-13	Menéndez	X		
1-14	Perry	X		

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

1-17 relating to the prosecution of the offense of obstruction or
1-18 retaliation; creating a criminal offense.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article 38.49(e), Code of Criminal Procedure, is
1-21 amended to read as follows:

1-22 (e) A conviction for an offense under Section 36.05 or
1-23 36.06(a) [~~36.06~~], Penal Code, creates a presumption of forfeiture
1-24 by wrongdoing under this article.

1-25 SECTION 2. Section 36.06, Penal Code, is amended to read as
1-26 follows:

1-27 Sec. 36.06. OBSTRUCTION OR RETALIATION. (a) A person
1-28 commits an offense if the person [~~he~~] intentionally or knowingly
1-29 harms or threatens to harm another by an unlawful act:

1-30 (1) in retaliation for or on account of the service or
1-31 status of another as a:

1-32 (A) public servant, witness, prospective
1-33 witness, or informant; or

1-34 (B) person who has reported or who the actor
1-35 knows intends to report the occurrence of a crime; or

1-36 (2) to prevent or delay the service of another as a:

1-37 (A) public servant, witness, prospective
1-38 witness, or informant; or

1-39 (B) person who has reported or who the actor
1-40 knows intends to report the occurrence of a crime.

1-41 (a-1) A person commits an offense if the person posts on a
1-42 publicly accessible website the residence address or telephone
1-43 number of an individual the actor knows is a public servant or a
1-44 member of a public servant's family or household with the intent to
1-45 cause harm or a threat of harm to the individual or a member of the
1-46 individual's family or household in retaliation for or on account
1-47 of the service or status of the individual as a public servant.

1-48 (b) In this section:

1-49 (1) "Honorably retired peace officer" means a peace
1-50 officer who:

1-51 (A) did not retire in lieu of any disciplinary
1-52 action;

1-53 (B) was eligible to retire from a law enforcement
1-54 agency or was ineligible to retire only as a result of an injury
1-55 received in the course of the officer's employment with the agency;
1-56 and

1-57 (C) is entitled to receive a pension or annuity
1-58 for service as a law enforcement officer or is not entitled to
1-59 receive a pension or annuity only because the law enforcement
1-60 agency that employed the officer does not offer a pension or annuity
1-61 to its employees.

2-1 (2) "Informant" means a person who has communicated
2-2 information to the government in connection with any governmental
2-3 function.

2-4 (3) "Public servant" has the meaning assigned by
2-5 Section 1.07, except that the term also includes an honorably
2-6 retired peace officer.

2-7 (c) An offense under this section is a felony of the third
2-8 degree, except that the offense is a felony of the second degree if:

2-9 (1) [unless] the victim of the offense was harmed or
2-10 threatened because of the victim's service or status as a juror; or

2-11 (2) the actor's conduct is described by Subsection
2-12 (a-1) and results in the bodily injury of a public servant or a
2-13 member of a public servant's family or household~~[, in which event~~
2-14 ~~the offense is a felony of the second degree].~~

2-15 (d) For purposes of Subsection (a-1), it is prima facie
2-16 evidence of the intent to cause harm or a threat of harm to an
2-17 individual the person knows is a public servant or a member of a
2-18 public servant's family or household if the actor:

2-19 (1) receives a written demand from the individual to
2-20 not disclose the address or telephone number for reasons of safety;
2-21 and

2-22 (2) either:

2-23 (A) fails to remove the address or telephone
2-24 number from the publicly accessible website within a period of 48
2-25 hours after receiving the demand; or

2-26 (B) reposts the address or telephone number on
2-27 the same or a different publicly accessible website, or makes the
2-28 information publicly available through another medium, within a
2-29 period of four years after receiving the demand, regardless of
2-30 whether the individual is no longer a public servant.

2-31 SECTION 3. The change in law made by this Act applies only
2-32 to an offense committed on or after the effective date of this Act.
2-33 An offense committed before the effective date of this Act is
2-34 governed by the law in effect on the date the offense was committed,
2-35 and the former law is continued in effect for that purpose. For
2-36 purposes of this section, an offense was committed before the
2-37 effective date of this Act if any element of the offense occurred
2-38 before that date.

2-39 SECTION 4. This Act takes effect September 1, 2015.

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