

By: Cole

H.B. No. 3490

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the criminal offense of harassment.

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

SECTION 1. Sections 42.07(a) and (c), Penal Code, are amended to read as follows:

(a) A person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:

(1) initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;

(2) threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;

(3) conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;

(4) causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

(5) makes a telephone call and intentionally fails to

1 hang up or disengage the connection;

2 (6) knowingly permits a telephone under the person's  
3 control to be used by another to commit an offense under this  
4 section; ~~or~~]

5 (7) sends repeated electronic communications in a  
6 manner reasonably likely to harass, annoy, alarm, abuse, torment,  
7 embarrass, or offend another; or

8 (8) publishes on an Internet website, including a  
9 social media platform, repeated electronic communications in a  
10 manner reasonably likely to harass, annoy, alarm, abuse, torment,  
11 embarrass, or offend another person and is reckless as to whether  
12 the other person is reasonably likely to access the Internet  
13 website or otherwise receive the communication.

14 (c) An offense under this section is a Class B misdemeanor,  
15 except that the offense is a Class A misdemeanor if:

16 (1) the actor has previously been convicted under this  
17 section; or

18 (2) the offense was committed under Subsection (a)(7)  
19 or (8) and:

20 (A) the offense was committed against a child  
21 under 18 years of age with the intent that the child:

22 (i) commit suicide; or

23 (ii) engage in conduct causing serious  
24 bodily injury to the child; or

25 (B) the actor has previously violated a temporary  
26 restraining order or injunction issued under Chapter 129A, Civil  
27 Practice and Remedies Code.

1           SECTION 2. The change in law made by this Act applies only  
2 to an offense committed on or after the effective date of this Act.  
3 An offense committed before the effective date of this Act is  
4 governed by the law in effect on the date the offense was committed,  
5 and the former law is continued in effect for that purpose. For  
6 purposes of this section, an offense was committed before the  
7 effective date of this Act if any element of the offense occurred  
8 before that date.

9           SECTION 3. This Act takes effect September 1, 2019.