

1-1 By: Cole (Senate Sponsor - Huffman, Nelson) H.B. No. 3490  
 1-2 (In the Senate - Received from the House May 13, 2019;  
 1-3 May 13, 2019, read first time and referred to Committee on State  
 1-4 Affairs; May 19, 2019, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 1; May 19, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11		X		
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the prosecution and punishment of the criminal offense  
 1-20 of harassment; creating a criminal offense.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 42.07(a) and (c), Penal Code, are  
 1-23 amended to read as follows:

1-24 (a) A person commits an offense if, with intent to harass,  
 1-25 annoy, alarm, abuse, torment, or embarrass another, the person:

1-26 (1) initiates communication and in the course of the  
 1-27 communication makes a comment, request, suggestion, or proposal  
 1-28 that is obscene;

1-29 (2) threatens, in a manner reasonably likely to alarm  
 1-30 the person receiving the threat, to inflict bodily injury on the  
 1-31 person or to commit a felony against the person, a member of the  
 1-32 person's family or household, or the person's property;

1-33 (3) conveys, in a manner reasonably likely to alarm  
 1-34 the person receiving the report, a false report, which is known by  
 1-35 the conveyor to be false, that another person has suffered death or  
 1-36 serious bodily injury;

1-37 (4) causes the telephone of another to ring repeatedly  
 1-38 or makes repeated telephone communications anonymously or in a  
 1-39 manner reasonably likely to harass, annoy, alarm, abuse, torment,  
 1-40 embarrass, or offend another;

1-41 (5) makes a telephone call and intentionally fails to  
 1-42 hang up or disengage the connection;

1-43 (6) knowingly permits a telephone under the person's  
 1-44 control to be used by another to commit an offense under this  
 1-45 section; ~~or~~

1-46 (7) sends repeated electronic communications in a  
 1-47 manner reasonably likely to harass, annoy, alarm, abuse, torment,  
 1-48 embarrass, or offend another; or

1-49 (8) publishes on an Internet website, including a  
 1-50 social media platform, repeated electronic communications in a  
 1-51 manner reasonably likely to harass, abuse, or torment another  
 1-52 person.

1-53 (c) An offense under this section is a Class B misdemeanor,  
 1-54 except that the offense is a Class A misdemeanor if:

1-55 (1) the actor has previously been convicted under this  
 1-56 section; or

1-57 (2) the offense was committed under Subsection (a)(7)  
 1-58 or (8) and:

1-59 (A) the offense was committed against a child  
 1-60 under 18 years of age with the intent that the child:

1-61 (i) commit suicide; or

2-1 (ii) engage in conduct causing serious  
2-2 bodily injury to the child; or

2-3 (B) the actor has previously violated a temporary  
2-4 restraining order or injunction issued under Chapter 129A, Civil  
2-5 Practice and Remedies Code.

2-6 SECTION 2. The change in law made by this Act applies only  
2-7 to an offense committed on or after the effective date of this Act.  
2-8 An offense committed before the effective date of this Act is  
2-9 governed by the law in effect on the date the offense was committed,  
2-10 and the former law is continued in effect for that purpose. For  
2-11 purposes of this section, an offense was committed before the  
2-12 effective date of this Act if any element of the offense occurred  
2-13 before that date.

2-14 SECTION 3. This Act takes effect September 1, 2019.

2-15 \* \* \* \* \*