

- SUBJECT:** Creating a criminal offense for online harassment
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 7 ayes — Collier, K. Bell, J. González, Hunter, Moody, Murr, Pacheco
2 nays — Zedler, P. King
- WITNESSES:** For — Courtney Santana, Survive2Thrive Foundation; David Willson; Marilyn Willson; Matthew Willson; (*Registered, but did not testify*: Chris Jones, Combine Law Enforcement Associations of Texas; Christopher Lutton, San Antonio Police Department; Piper Nelson, The SAFE Alliance; Amy Meredith, Travis County District Attorney; Becky Bullard; Rollyn Carlson; Iona Griffith; Ash Hall; Arthur Simon)

Against — (*Registered, but did not testify*: Mary Elizabeth; Larissa Rodionov)

On — (*Registered, but did not testify*: Craig Schiebel)
- BACKGROUND:** Penal Code sec. 42.07 governs harassment offenses. It is a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) to, with the intent to harass, annoy, alarm, abuse, torment, or embarrass, send repeated electronic communications to another person in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend that person.

This offense is a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) if it is committed against a child younger than 18 and with the intent that the child commits suicide or engages in conduct causing serious bodily injury or if the actor has previously violated a temporary restraining order or injunction for relief for cyberbullying of a child.

Some suggest that current law regarding harassment does not specifically address certain types of harassment committed online and through social

media.

DIGEST:

CSHB 3490 would make it a harassment offense for individuals, with the intent to harass, annoy, alarm, abuse, torment, or embarrass another person, to publish repeated electronic communications online, including on social media platforms, that were reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend the other person and were reckless as to whether that person was reasonably likely to access the information. This offense would be a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000).

The offense would be a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) if it was committed against a child who was younger than 18 years old and with the intent that the child commit suicide or engage in conduct causing serious bodily injury or if the actor had previously violated a temporary restraining order or injunction for relief for cyberbullying of a child.

The bill would take effect September 1, 2019, and would apply only to offenses committed on or after that date.