

BILL ANALYSIS

C.S.H.B. 1061
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties express concern that current law does not adequately protect law enforcement officials from acts of retaliation, specifically with respect to the dissemination of personal information. These parties point to recent incidents in which private data belonging to employees of certain law enforcement agencies, including social security numbers and passwords, was published online by a hacking group. C.S.H.B. 1061 seeks to help protect against this type of incident.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1061 amends the Penal Code to establish a rebuttable presumption, in a prosecution for an offense involving interference with a peace officer while the peace officer is performing a duty or exercising authority imposed or granted by law, that the actor interferes with the peace officer if it is shown on the trial of the offense that the actor intentionally disseminated the officer's personal, private, or confidential information.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1061 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 36.06(b), Penal Code, is amended by adding Subdivision (4) to read as follows:
(4) "Harm" includes:

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

- (A) financial harm, including harm to a person's financial status or a person's credit report or score;
- (B) harm to a person's reputation;
- (C) harm caused by intentionally disseminating or using a person's personal, private, or confidential information; and
- (D) harm caused by invading the privacy of a person.

No equivalent provision.

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

SECTION 3. This Act takes effect September 1, 2015.

SECTION 1. Section 38.15, Penal Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) In a prosecution for an offense under Subsection (a)(1), there is a rebuttable presumption that the actor interferes with a peace officer if it is shown on the trial of the offense that the actor intentionally disseminated the officer's personal, private, or confidential information.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.