

**SUBJECT:** Offense for harassment by electronic communication

**COMMITTEE:** Criminal Jurisprudence — committee substitute recommended

**VOTE:** 7 ayes — Hinojosa, Garcia, Green, Keel, Nixon, Smith, Talton  
0 nays  
2 absent — Dunnam, Wise

**SENATE VOTE:** On final passage, May 3 — 30-0

**WITNESSES:** No public hearing

**BACKGROUND:** An individual commits the offense of harassment by initiating a communication by telephone or in writing with the intent to harass, annoy, alarm, abuse, torment, embarrass, or offend another. The statute covers obscene communications, threats likely to alarm, false reports, causing the phone to ring repeatedly, and other similar actions. Harassment is punishable as a Class B misdemeanor by up to 180 days in jail and/or a maximum fine of \$2,000.

**DIGEST:** CSSB 962 would amend the Penal Code section on harassment to add electronic communication, including electronic mail, network calls, faxing, and paging.

It would prohibit sending repeated electronic communications, either signed or anonymously, in a manner likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

The bill also would increase the penalty for repeated harassment offenses from a Class B misdemeanor to a Class A misdemeanor, punishable by up to one year in jail and/or a maximum fine of \$4,000.

The bill would take effect September 1, 1999, and would apply only to an offense committed on or after this date.

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- SUPPORTERS SAY:** SB 962 would bring the harassment statute up to date by including harassment via e-mail, paging, faxing, or network calls. It simply would forbid all forms of harassment, including the most technologically advanced forms. Establishing harassment through electronics as an illegal act now would be a preventative measure. This bill will help lessen this type of harassment in the future as more and more people gain access to computers and other electronic communications. The bill also would put more teeth into current law by increasing the penalty for repeat offenses.
- OPPONENTS SAY:** No apparent opposition.
- NOTES:** The committee substitute would delete “knowingly” in reference to the sending of repeated electronic communications and require that the communication be initiated by electronic mail, network call, a fax machine, or pager.