

BILL ANALYSIS

Senate Research Center
77R5363 KEL-D

C.S.S.B. 139
By: Carona
Criminal Justice
2/1/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, certain forms of communication, including those by electronic means, are not covered under Texas statutes pertaining to harassment. As proposed, C.S.S.B. 139 adds electronic means of communication to the forms regulated for protection from the commission of a harassment offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.07(a), Penal Code, to provide that a person commits an offense if, with the intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person: initiates communication by telephone, in writing, or by electronic communication; threatens, by telephone, in writing, or by electronic communication, 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 his family, or his property; knowingly permits a telephone under the person's control to be used by another to commit an offense; or sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another. Defines "electronic communication" and "family," and redefines "obscene." Provides that an offense under this section is a Class B misdemeanor unless the actor has previously been convicted under this section, in which case the offense is a Class A misdemeanor.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends As Filed S.B. 139, Section 42.07, Penal Code, as follows:

- (a) Deletes previous language regarding causing the initiation of communication. Deletes language specifying the use of mail and mechanical means of communication. Specifies the use of electronic communication in threatening to inflict bodily injury or commit a felony against the person, a member of his family, or his property. Adds language regarding sending repeated electronic communications in a manner likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.
- (b) Defines "electronic communication" and "family." Redefines "obscene."
- (c) Provides that an offense under this section is a Class B misdemeanor unless the actor has previously been convicted under this section, in which case the offense is a

Class A misdemeanor.

SECTION 2. No Change.

SECTION 3. No Change.