

## **BILL ANALYSIS**

C.S.H.B. 3490  
By: Cole  
Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that state law regarding the offense of harassment has not kept up with technology as it has evolved and that the law does not specifically address certain types of harassment committed through the use of the Internet and on social media. C.S.H.B. 3490 seeks to protect victims and aid in the prosecution and punishment of such harassment by creating an offense for such conduct.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 3490 amends the Penal Code to create a Class B misdemeanor harassment offense for a person who, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, publishes on a website, including a social media platform, repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another person and is reckless as to whether the person is reasonably likely to access the website or otherwise receive the communication. The bill enhances the penalty for the offense to a Class A misdemeanor if the offense is committed against a child under 18 years of age with the intent that the child commit suicide or engage in conduct causing serious bodily injury to the child or if the actor has previously violated a temporary restraining order or injunction for relief for cyberbullying of a child.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 3490 differs from the original only by amending the caption.