

SUBJECT: Obstruction or retaliation offense for posting public servants' information

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Herrero, Carter, Canales, Leach, Moody, Toth

1 nay — Schaefer

1 absent — Hughes

1 present not voting — Burnam

SENATE VOTE: On final passage, April 30 — 31-0

WITNESSES: For — (*Registered, but did not testify*: Donald Baker, Austin Police Department; Kenda Cullpepper, Rockwall County District Attorney's Office; Chris Jones and Charley Wilkison, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; Ballard C. Shapleigh, 34th District Attorney; Gary Tittle, Dallas Police Department)

Against — Chris Cobler, Freedom of Information Foundation of Texas; Chris Howe; (*Registered, but did not testify*: Heather Fazio, Texans for Accountable Government; Jorge Landivar; Lauren Landivar)

DIGEST: SB 1798 would amend the offense of obstruction or retaliation to make it an offense for a person to post on a publicly accessible website the residence address or telephone number of an individual the actor knew was a public servant or member of a public servant's family or household. This action would need to be taken with the intent to cause harm or threat of harm to the individual or a member of the individual's family or household, and in retaliation for or on account of the service or status of the individual as a public servant.

It would be prima facie evidence of the intent to cause harm or a threat of harm under the bill if the actor received a written demand from the individual to not disclose the address or telephone number for reasons of

safety and either:

- failed to remove the address or telephone number from the publicly accessible website within 48 hours of receiving the demand; or
- reposted the address or telephone number on the same or a different publicly accessible website, or made the information publicly available through another medium, within four years of receiving the demand, regardless of whether the individual was no longer a public servant.

The offense would be a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) except that it would be a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000) if the actor's conduct resulted in the bodily injury of a public servant or a member of a public servant's family or household.

The bill would take effect September 1, 2013, and would apply only to offenses committed on or after that date.