

BILL ANALYSIS

Senate Research Center
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S.B. 923
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent years a new form of retaliation known as “doxing” or “doxxing” has emerged whereby individuals seek to intimidate public officials and their family by posting personal information about them online. Although the state criminalizes certain forms of retaliation against public servants, it does not prohibit doxing.

S.B. 923 creates a new offense pertaining to doxing. Specifically, posting the home address or telephone number of a public servant, or a member of the public servant’s family or household, on a publicly accessible website with the intent to cause harm or the threat of harm in retaliation against the public servant would qualify as a third-degree felony. Furthermore, the offense would be elevated to a second-degree felony if the doxing results in bodily injury to the public servant or a member of the public servant’s family or household.

As proposed, S.B. 923 amends current law relating to the prosecution of the offense of obstruction or retaliation and creating a criminal 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 Article 38.49(e), Code of Criminal Procedure, to provide that a conviction for an offense under Section 36.05 (Tampering with Witness) or 36.06(a), Penal Code, rather than under Section 36.05 or 36.06, Penal Code, creates a presumption of forfeiture by wrongdoing under this article.

SECTION 2. Amends Section 36.06, Penal Code, as follows:

Sec. 36.06. OBSTRUCTION OR RETALIATION. (a) Provides that a person commits an offense if the person, rather than if he, intentionally or knowingly harms or threatens to harm another by an unlawful act:

(1) in retaliation for or on account of the service or status of another as a:

(A) public servant, witness, prospective witness, or informant; or

(B) person who has reported or who the actor knows intends to report the occurrence of a crime; or

(2) to prevent or delay the service of another as a:

(A) public servant, witness, prospective witness, or informant; or

(B) person who has reported or who the actor knows intends to report the occurrence of a crime.

(a-1) Provides that a person commits an offense if the person posts on a publicly accessible website the residence address or telephone number of an individual the actor knows is a public servant or a member of a public servant's family or household with the intent to cause harm or a threat of harm to the individual or a member of the individual's family or household in retaliation for or on account of the service or status of the individual as a public servant.

(b) Redefines "public servant" in this section.

(c) Provides that an offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if:

(1) the victim of the offense was harmed or threatened because of the victim's service or status as a juror; or

(2) the actor's conduct is described by Subsection (a-1) and results in the bodily injury of a public servant or a member of a public servant's family or household.

Deletes existing text providing that an offense under this section is a felony of the third degree unless the victim of the offense was harmed or threatened because of the victim's service or status as a juror, in which event the offense is a felony of the second degree.

(d) Provides that for purposes of Subsection (a-1), it is prima facie evidence of the intent to cause harm or a threat of harm to an individual the person knows is a public servant or a member of a public servant's family or household if the actor:

(1) receives a written demand from the individual to not disclose the address or telephone number for reasons of safety; and

(2) either:

(A) fails to remove the address or telephone number from the publicly accessible website within a period of 48 hours after receiving the demand; or

(B) reposts the address or telephone number on the same or a different publicly accessible website, or makes the information publicly available through another medium, within a period of four years after receiving the demand, regardless of whether the individual is no longer a public servant.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2015.