

## **BILL ANALYSIS**

Senate Research Center

H.B. 3490  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

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. H.B. 3490 seeks to protect victims and aid in the prosecution and punishment of such harassment by creating an offense for such conduct.

H.B. 3490 amends current law relating to the prosecution and punishment of the criminal offense of harassment and creates 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 Sections 42.07(a) and (c), Penal Code, as follows:

(a) Provides that a person commits an offense if, with intent to harass, annoy, alarm, abuse, torment, or embarrass another, the person:

(1)–(5) makes no changes to these subdivisions;

(6)–(7) makes nonsubstantive changes to these subdivisions; or

(8) publishes on an Internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to harass, abuse, or torment another person.

(c) Provides that an offense under this section (Harassment) is a Class B misdemeanor, except that the offense is a Class A misdemeanor if:

(1) makes no changes to this subdivision; or

(2) the offense was committed under Subsection (a)(7) or (8), rather than (a)(7), and certain criteria are met.

SECTION 2. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Effective date: September 1, 2019.