

BILL ANALYSIS

Senate Research Center

S.B. 530
By: Huffman
Jurisprudence
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Penal Code provision for harassment (Section 42.07) is out of date. There are gaps in the provision that do not protect against harassment via indirect communication, a common form of harassment on social media. While current law prohibits harassment if it is done by direct communication, such as a text message or private message directly to a victim's social media account, it does not prohibit harassment posted openly on social media platforms such as YouTube or Facebook group pages or other similar platforms.

Closing this gap in the harassment Penal Code provision is incredibly vital. While Texas has taken steps to try to get a grasp on cyberbullying and online harassment, any measures will remain incomplete while this omission is left open.

This would close the loophole by creating a criminal offense for harassment published on an Internet website that causes distress, abuse, or torment to another person. This offense rules out communications made in connection with a matter of public concern to make sure that there would be no chilling effect on political speech.

S.B. 530 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, Penal Code, by amending Subsections (a) and (c) and adding Subsection (d), 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) and (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 cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern.

(c) Provides that an offense under Subsection (a)(8) is a Class A misdemeanor.

(d) Defines "matter of public concern" in Section 42.07 (Harassment).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.