

1 AN ACT

2 relating to the prosecution and punishment of the criminal offense
3 of harassment; creating a criminal offense.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 42.07(a) and (c), Penal Code, are
6 amended to read as follows:

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

9 (1) initiates communication and in the course of the
10 communication makes a comment, request, suggestion, or proposal
11 that is obscene;

12 (2) threatens, in a manner reasonably likely to alarm
13 the person receiving the threat, to inflict bodily injury on the
14 person or to commit a felony against the person, a member of the
15 person's family or household, or the person's property;

16 (3) conveys, in a manner reasonably likely to alarm
17 the person receiving the report, a false report, which is known by
18 the conveyor to be false, that another person has suffered death or
19 serious bodily injury;

20 (4) causes the telephone of another to ring repeatedly
21 or makes repeated telephone communications anonymously or in a
22 manner reasonably likely to harass, annoy, alarm, abuse, torment,
23 embarrass, or offend another;

24 (5) makes a telephone call and intentionally fails to

1 hang up or disengage the connection;

2 (6) knowingly permits a telephone under the person's
3 control to be used by another to commit an offense under this
4 section; ~~or~~

5 (7) sends repeated electronic communications in a
6 manner reasonably likely to harass, annoy, alarm, abuse, torment,
7 embarrass, or offend another; or

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

12 (c) An offense under this section is a Class B misdemeanor,
13 except that the offense is a Class A misdemeanor if:

14 (1) the actor has previously been convicted under this
15 section; or

16 (2) the offense was committed under Subsection (a)(7)
17 or (8) and:

18 (A) the offense was committed against a child
19 under 18 years of age with the intent that the child:

20 (i) commit suicide; or

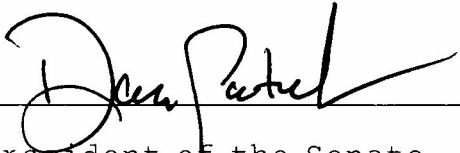
21 (ii) engage in conduct causing serious
22 bodily injury to the child; or

23 (B) the actor has previously violated a temporary
24 restraining order or injunction issued under Chapter 129A, Civil
25 Practice and Remedies Code.

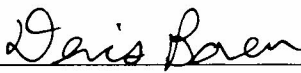
26 SECTION 2. The change in law made by this Act applies only
27 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is
2 governed by the law in effect on the date the offense was committed,
3 and the former law is continued in effect for that purpose. For
4 purposes of this section, an offense was committed before the
5 effective date of this Act if any element of the offense occurred
6 before that date.

7 SECTION 3. This Act takes effect September 1, 2019.



President of the Senate



Speaker of the House

I certify that H.B. No. 3490 was passed by the House on May 10, 2019, by the following vote: Yeas 101, Nays 34, 1 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 3490 was passed by the Senate on May 21, 2019, by the following vote: Yeas 29, Nays 2.



Secretary of the Senate

APPROVED: _____

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:45 pm 06/10/19



Secretary of State

PROCLAMATION
BY THE
Governor of the State of Texas
41-3665

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Greg Abbott, Governor of Texas, do hereby disapprove of and veto House Bill No. 3490 as passed by the Eighty-Sixth Texas Legislature, Regular Session, because of the following objections:

Cyberbullying is unacceptable and must be stopped. In 2017, I signed Senate Bill 179 into law because cyberbullying is a very real problem. House Bill 3490 shares the same good intentions.

Unfortunately, the language used in the bill is overbroad and would sweep in conduct that legislators did not intend to criminalize, such as repeated criticisms of elected officials on Internet websites. I look forward to working next session to forcefully counter cyberbullying in ways that can be upheld constitutionally.

Since the Eighty-Sixth Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.



IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 15th day of June, 2019.

A handwritten signature in cursive script that reads "Greg Abbott".

GREG ABBOTT
Governor of Texas

ATTESTED BY:

A handwritten signature in cursive script that reads "Joe Esparza".

JOE ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:45pm O'CLOCK

JUN 15 2019