CHAPTER 1278

H.B. No. 1606

AN ACT
relating to the prosecution of the offenses of harassment and stalking.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 42.07(a), Penal Code, is amended to read as follows:

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

1. Initiates communication [by telephone, in writing, or by electronic communication] and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene;
2. Threatens, [by telephone, in writing, or by electronic communication] in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
3. Conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
4. Causes the telephone of another to ring repeatedly or makes repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
5. Makes a telephone call and intentionally fails to hang up or disengage the connection;
6. Knowingly permits a telephone under the person's control to be used by another to commit an offense under this section; or
7. Sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another.

SECTION 2. Sections 42.072(a) and (d), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

1. Constitutes an offense under Section 42.07, or that the actor knows or reasonably should know [believes] the other person will regard as threatening:
   (A) Bodily injury or death for the other person;
   (B) Bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
   (C) That an offense will be committed against the other person's property;
2. Causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
3. Would cause a reasonable person to [feel]:
   (A) Fear bodily injury or death for himself or herself;
   (B) Fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship; or
   (C) Fear that an offense will be committed against the person's property; or
   (D) Feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

(d) In this section:
(1) "Dating [., "dating"] relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code.

(2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. 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 4. This Act takes effect September 1, 2013.

Passed by the House on May 4, 2013: Yeas 106, Nays 28, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1606 on May 24, 2013: Yeas 119, Nays 26, 2 present, not voting; passed by the Senate, with amendments, on May 22, 2013: Yeas 30, Nays 1.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1279

H.B. No. 1675

AN ACT
relating to the sunset review process and certain governmental entities subject to that process.

Be it enacted by the Legislature of the State of Texas:

ARTICLE 1. ENTITIES GIVEN 2015 SUNSET DATE AND CERTAIN OTHER REVIEWS

SECTION 1.01. TEXAS EDUCATION AGENCY. (a) Section 7.004, Education Code, is amended to read as follows:

Sec. 7.004. SUNSET PROVISION. The Texas Education Agency is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the agency is abolished September 1, 2015 (2013).

(b) The Sunset Advisory Commission shall limit its review of the Texas Education Agency in preparation for the work of the 84th Legislature in Regular Session to the appropriateness of recommendations made by the commission to the 83rd Legislature. In the commission’s report to the 84th Legislature, the commission may include any recommendations it considers appropriate. This subsection expires September 1, 2015.

(c) This section takes effect only if the 83rd Legislature, Regular Session, 2013, does not enact other legislation that becomes law and that amends Section 7.004, Education Code, to extend the sunset date of the Texas Education Agency. If the 83rd Legislature, Regular Session, 2013, enacts legislation of that kind, this section has no effect.

SECTION 1.02. REVIEW OF CONTRACTING PROCEDURES OF TEXAS EDUCATION AGENCY. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.038 to read as follows:

Sec. 39.038. SUNSET REVIEW OF CONTRACTING PROCEDURES FOR ASSESSMENT INSTRUMENTS. The Sunset Advisory Commission shall evaluate the contracting procedures used by the agency to enter into a contract with a provider to develop or administer assessment instruments required by Section 39.023 and present to the 84th Legislature a report on its evaluation and recommendations in relation to the contracting procedures. This section expires September 1, 2015.