

Social Media & Internet Safety

Intro/Bio

- Noel Johnson, Government Affairs TMPA
- 20 years law enforcement experience. Currently commissioned by the Lakeway Police Department.
- BA in Sociology and Criminal Justice from Stephen F. Austin State University.
- Master Peace Officer, TCOLE Instructor, Licensed Special Investigator.
- Currently serves as a lobbyist at the State Capitol addressing legislative issues that affect Texas Peace Officers.

Sexting

- Criminal Laws Applicable to Texting in Texas
- In the State of Texas, there are several laws which could be used to prosecute instances of sexting, especially if it involves a minor. These laws can range from a Class C misdemeanor to a first-degree felony.

HB1808 and HB2552 §21.16, *Unlawful Disclosure or Promotion of Intimate Material*



- *This offense has increased from a M/A to SJF*

Sexual Coercion- PC21.18 HB1808/HB2552

- To obtain, in return for not committing the threatened offense or in connection with the threatened offense, any of the following benefits:
 - Intimate Visual Material
 - An act involving sexual conduct causing arousal or gratification.
 - A monetary benefit or other benefit of value.

Sexual Coercion Continued

- Note that the second portion removes the benefit of “a monetary benefit or other benefit of value.”
- This offense is a SJF unless the actor has a previous conviction, making it a F/3.
- Please also note that the statute as written states that the definition of “Intimate Visual Material” is located in §21.16 (b)(1) or (c).

Basic Bully Law- TEC 37.123

- **Disruptive Activities.** The crime of disruptive activities occurs when someone uses force or threats of force to:
 - obstruct people from moving through a school
 - prevent or attempt to prevent others from participating in school assemblies, or
 - obstruct or restrain a person from entering or leaving a school.
- This crime is a Class B misdemeanor. (Texas Educational Code § 37.123.)

Harassment (Cyber-Bullying) PC 42.07

- **Harassment.** The crime of harassment occurs when someone does any of the following to another:
 - intentionally communicates an obscene proposal
 - threatens
 - conveys a false report, or
 - makes a call or sends a message designed to harass, annoy, alarm, embarrass, or torment.
- Harassment is either a Class A or B misdemeanor depending on the circumstances. (Texas Penal Code § 42.07.)

Online Impersonation-Penal Code 33.07

- The amended code 33.07(a) allows a person to be charged with a third degree felony if he or she uses the name or “persona” of another, without that person’s permission and with the intent to “harm, defraud, intimidate, or threaten any person” by creating a web page on a commercial social networking site or other Internet website. The legislature broadened the scope of section 33.07(a) significantly by including the words, “other Internet website.” This broader language could now open the door for charges to be brought against someone who creates an Ebay or Pay Pal account by using another’s credit card and identification information (fraudulently) and purchases goods. Thus, an online impersonator who uses another’s credit card and personal information may not only face theft charges, but may also be looking at a charge of online impersonation.

David Molak Video



Penal Code Changes

SB179 §42.07, *Harassment*,

- amended by means of a bill known as “David’s Law.” To quote from an article about this law that appeared in the April 11, 2017, edition of the *Texas Tribune* (written by Jackie Wang),
- “David Molak had been harassed online by classmates who mocked his appearance and threatened physical violence. After months of cyberbullying, the 16-year-old Alamo Heights High School student took his own life in January 2016.”
- David’s Law makes changes to the Education Code, the Civil Practice and Remedies Code, the Health & Safety Code, and the Penal Code. For purposes of PC

§42.07, *Harassment*, Continued...

- it adds to the definition of “Electronic communication” and makes this crime a M/A if:
- the offense was committed under Subsection (a)(7) [repeated electronic communication] and:
- the offense was committed against a child under 18 years of age with the intent that the child:
 - commit suicide; or
 - engage in conduct causing serious bodily injury to the child; or
 - the actor has previously violated a temporary restraining order or injunction issued under Chapter 129A, Civil Practices and Remedies Code. These orders are civil and initiated by the parents of bullied children, not law enforcement. The existence of such an order may be used to enhance this offense.

Questions?

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