

By: Reynolds

H.B. No. 3157

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the criminal offenses of violation of civil rights of  
3 and improper sexual activity with persons in custody; increasing a  
4 criminal penalty.

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

6 SECTION 1. Sections 39.04(a) and (b), Penal Code, are  
7 amended to read as follows:

8 (a) An official of a correctional facility or juvenile  
9 facility, an employee of a correctional facility or juvenile  
10 facility, a person other than an employee who works for  
11 compensation at a correctional facility or juvenile facility, a  
12 volunteer at a correctional facility or juvenile facility, or a  
13 peace officer commits an offense if the person intentionally:

14 (1) denies or impedes a person in custody in the  
15 exercise or enjoyment of any right, privilege, or immunity [~~knowing~~  
16 ~~his conduct is unlawful~~]; or

17 (2) engages in sexual contact, sexual intercourse, or  
18 deviate sexual intercourse with an individual in custody or, in the  
19 case of an individual in the custody of the Texas Juvenile Justice  
20 Department or placed in a juvenile facility, employs, authorizes,  
21 or induces the individual to engage in sexual conduct or a sexual  
22 performance.

23 (b) An offense under Subsection (a)(1) is a felony of the  
24 third degree [~~Class A misdemeanor~~]. An offense under Subsection

1 (a)(2) is a [~~state-jail~~] felony of the second degree, except that an  
2 offense under Subsection (a)(2) is a felony of the first [~~second~~]  
3 degree if the offense is committed against:

4 (1) an individual in the custody of the Texas Juvenile  
5 Justice Department or placed in a juvenile facility; or

6 (2) a juvenile offender detained in or committed to a  
7 correctional facility.

8 SECTION 2. The change in law made by this Act applies only  
9 to an offense committed on or after the effective date of this Act.  
10 An offense committed before the effective date of this Act is  
11 governed by the law in effect on the date the offense was committed,  
12 and the former law is continued in effect for that purpose. For  
13 purposes of this section, an offense was committed before the  
14 effective date of this Act if any element of the offense occurred  
15 before that date.

16 SECTION 3. This Act takes effect September 1, 2021.