

By: Anchía

H.B. No. 3549

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to creating the criminal offense of tampering with an  
3 electronic monitoring device and to certain consequences on  
4 conviction of that offense.

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

6 SECTION 1. Chapter 38, Penal Code, is amended by adding  
7 Section 38.112 to read as follows:

8 Sec. 38.112. TAMPERING WITH ELECTRONIC MONITORING DEVICE.

9 (a) A person who is required to submit to electronic monitoring of  
10 the person's location as a condition of release on parole or to  
11 mandatory supervision commits an offense if the person knowingly  
12 removes or disables or attempts to remove or disable a tracking  
13 device that the person is required to wear to enable the electronic  
14 monitoring of the person's location.

15 (b) An offense under this section is a state jail felony.

16 SECTION 2. Article 42.08, Code of Criminal Procedure, is  
17 amended by adding Subsection (b-1) to read as follows:

18 (b-1) A judge sentencing a defendant convicted of an offense  
19 under Section 38.112, Penal Code, shall order the sentence for the  
20 offense to commence immediately on completion of the sentence for  
21 the offense for which the defendant was released on parole or to  
22 mandatory supervision. The judge shall, on pronouncing the  
23 sentence, order the defendant transferred to the custody of the  
24 Texas Department of Criminal Justice for purposes of serving the

1 applicable sentences consecutively if the defendant has not been  
2 taken into custody by the department following the automatic  
3 revocation of the defendant's parole or mandatory supervision under  
4 Section 508.285, Government Code.

5 SECTION 3. Subchapter I, Chapter 508, Government Code, is  
6 amended by adding Section 508.285 to read as follows:

7 Sec. 508.285. AUTOMATIC REVOCATION ON CONVICTION OF  
8 TAMPERING WITH ELECTRONIC MONITORING DEVICE. Notwithstanding any  
9 other law, on a releasee's conviction of an offense under Section  
10 38.112, Penal Code, the releasee's parole or mandatory supervision  
11 is automatically revoked and the sentence for which the releasee  
12 was on parole or mandatory supervision may not be considered to have  
13 ceased to operate for purposes of Article 42.08, Code of Criminal  
14 Procedure.

15 SECTION 4. This Act takes effect September 1, 2023.