

BILL ANALYSIS

C.S.H.B. 274
By: Keel
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current Texas law, it is an offense for a person imprisoned or confined in certain adult or juvenile correctional facilities to cause another person to contact the blood, seminal fluid, urine, or feces of another, with the intent to harm, annoy or harass. C.S.H.B. 274 expands the list of bodily fluids and wastes covered by the statutes.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 22.11, Penal Code, by amending Subsection (a) and by adding Subsection (d), as follows:

(a) Provides that a person, imprisoned or confined in a correctional or detention facility, commits an offense if the person, with the intent to harass, alarm, or annoy another person, causes the other person to contact the vaginal fluid or saliva of the actor or any other person.

(d) Defines "correctional or detention facility" as a secure correctional facility or a secure private or public residential facility used to physically restrict juveniles held in lawful custody, including an alcohol or other drug treatment facility, operated by or under contract with a juvenile board or the Texas Youth Commission (TYC) or any other facility operated by or under contract with TYC.

SECTION 2. (a) This Act takes effect September 1, 2003.

(b) The change in law made by this Act applies only to an offense committed on or after September 1, 2003. An offense committed before September 1, 2003, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For the purposes of this subsection, an offense was committed before September 1, 2003, if any element of the offense was committed before that date.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by including persons confined or imprisoned in correctional or detention

facilities operated by or under contract with a juvenile board among those who are subject to the offense.