

## **BILL ANALYSIS**

H.B. 864  
By: Kolkhorst  
Corrections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The introduction of contraband into TDCJ correctional facilities poses a significant threat to the security of the institutions. Certain types of contraband are more threatening than others, therefore administrative sanctions may be insufficient to deter and punish such behavior. Further, under current law providing a weapon to a person in custody with the intent to facilitate escape is a criminal offense, but having to prove the intent to facilitate escape often complicates prosecution.

H.B. 864 would make it a criminal offense to provide money to an inmate; for an inmate to possess, or for an individual to provide an inmate with a cell phone; or for an unauthorized individual to possess a weapon in a penal institution or provide an inmate with a weapon. The bill adds these offenses to Section 38.11, Penal Code. An offense under this section is a third degree felony.

### **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**

H.B. 864 amends Section 38.11 of the Penal Code to prohibit providing a deadly weapon, a cellular telephone, or money to an inmate of a correctional facility. H.B. 864 prohibits anyone except a peace officer or an employee or officer of the facility from possessing a deadly weapon while in a correctional facility. The bill also prohibits an inmate of a correctional facility from possessing a cell phone. H.B. 864 modifies the title of Section 38.11 to reflect these changes.

### **EFFECTIVE DATE**

September 1, 2003.