

BILL ANALYSIS

S.B. 729
By: Staples
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, an incarcerated individual commits an offense if that person intentionally and maliciously causes another person to contact certain human fluids or products. In order to prosecute an individual for the offense, the state must demonstrate that the substance is human in origin. When the Department of Health analyzes feces, the testing technique shows that the substance is of a mammal. To determine if the material is actually that of a person, requires more extensive and more expensive testing. As proposed, S.B. 729 amends the Penal Code to include animals in the list of product sources constituting an element of the offense of harassment.

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(a), Penal Code, to add causing a person to contact the blood, seminal fluid, urine, or feces of an animal to the elements of the offense of harassment by persons in certain correctional facilities.

SECTION 2. (a) Effective date.
(b) Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2003