

By: Hodge

H.B. No. 33

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of failure to stop or report sexual assault of certain inmates.

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

SECTION 1. Chapter 38, Penal Code, is amended by adding Section 38.175 to read as follows:

Sec. 38.175. FAILURE TO STOP OR REPORT SEXUAL ASSAULT OF INMATE. (a) In this section, "confinement facility" means a confinement facility operated by or under a contract with any division of the Texas Department of Criminal Justice.

(b) A person commits an offense if the person:

(1) observes the commission or attempted commission of an offense under Section 22.011 or 22.021 against an inmate of a confinement facility under circumstances in which a reasonable person would believe that an offense of a sexual or assaultive nature was being committed or was about to be committed against the inmate;

(2) fails to assist the inmate or immediately report the commission or attempted commission of the offense to an appropriate official or employee of the confinement facility; and

(3) could assist the inmate or immediately report the commission or attempted commission of the offense without placing the actor in danger of serious bodily injury or death.

(c) An offense under this section is a Class B misdemeanor.

1 SECTION 2. This Act takes effect September 1, 2003.