

## **BILL ANALYSIS**

H.B. 2077  
By: Kolkhorst  
Corrections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Legislation enacted in the 78th Legislature made it a criminal offense for an inmate to possess or for an individual to provide an inmate with a cellular phone. Under HB 2077, the law will be amended to provide criminal penalties for not only the possession of a cellular phone, but also to include other communication devices or the component parts of a cellular phone or other device.

HB 2077 seeks to include as contraband, other devices such as hand-held personal computers which were not under the scope of the current law. The bill seeks to include component parts to address the ongoing problem of offenders attempting to hinder prosecution by disassembling the devices. HB 2077 will bolster contraband enforcement efforts within Texas prisons.

### **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. Sections 38.11 (a) and (j), Penal Code, are amended to provide that a person commits an offense if the person provides a wireless communication device or a component of one of those devices to an inmate confined in a correctional facility under the Texas Department of Criminal Justice. This also adds that a person commits an offense if they are an inmate in a correctional facility under the Texas Department of Criminal Justice and they possess a wireless communications device or a component of one of those devices.

SECTION 2. This Act only applies to an offense committed on or after the effective date.

SECTION 3. This Act takes effect September 1, 2005.

### **EFFECTIVE DATE**

September 1, 2005