

By: Guillen, Escobar

H.B. No. 196

Substitute the following for H.B. No. 196:

By: Jones of Lubbock

C.S.H.B. No. 196

A BILL TO BE ENTITLED

AN ACT

relating to the introduction or possession of certain items in a jail; creating an offense.

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

SECTION 1. Chapter 38, Penal Code, is amended by adding Section 38.114 to read as follows:

Sec. 38.114. CONTRABAND IN JAILS. (a) A person commits an offense if the person:

(1) provides contraband to an inmate of a jail;

(2) otherwise introduces contraband into a jail; or

(3) possesses contraband while confined in a jail.

(b) In this section:

(1) "Contraband" means any item not provided by or authorized by the sheriff or jail administrator or any item provided by or authorized by the sheriff or jail administrator that has been altered to accomodate a use other than the originally intended use. The term does not include any item specifically prohibited under Section 38.11(a)(1) or (a)(2).

(2) "Jail" means a jail regulated by the Commission on Jail Standards.

(c) An offense under this section is a Class C misdemeanor, unless the offense is committed by an employee or a volunteer of the jail, in which event the offense is a Class B misdemeanor.

SECTION 2. This Act takes effect September 1, 2005.