

AN ACT

relating to prohibiting the introduction of certain items in correctional facilities.

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

SECTION 1. Section 38.11(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person provides:

(1) an alcoholic beverage, controlled substance, or dangerous drug to an inmate of a correctional facility, except on the prescription of a physician or practitioner, as defined in Section 551.003, Occupations Code;

(2) a deadly weapon to an inmate of a correctional facility; ~~or~~

(3) a cellular telephone, cigarette, tobacco product, or money to an inmate of a correctional facility operated by or under contract with the Texas Department of Criminal Justice;

(4) a cellular telephone or money to a person confined in a local jail regulated by the Commission on Jail Standards; or

(5) a cigarette or tobacco product to a person confined in a local jail regulated by the Commission on Jail Standards and in providing the cigarette or tobacco product the person violates a rule or regulation adopted by the sheriff or jail administrator that:

(A) prohibits the possession of a cigarette or

1 tobacco product by an inmate confined in the jail; or

2 (B) places restrictions on:

3 (i) the possession of a cigarette or
4 tobacco product by an inmate confined in the jail; or

5 (ii) the manner in which a cigarette or
6 tobacco product may be provided to an inmate confined in the jail.

7 SECTION 2. Chapter 38, Penal Code, is amended by adding
8 Section 38.114 to read as follows:

9 Sec. 38.114. CONTRABAND IN CORRECTIONAL FACILITY. (a) A
10 person commits an offense if the person:

11 (1) provides contraband to an inmate of a correctional
12 facility;

13 (2) otherwise introduces contraband into a
14 correctional facility; or

15 (3) possesses contraband while confined in a
16 correctional facility.

17 (b) In this section, "contraband":

18 (1) means:

19 (A) any item not provided by or authorized by the
20 operator of the correctional facility; or

21 (B) any item provided by or authorized by the
22 operator of the correctional facility that has been altered to
23 accommodate a use other than the originally intended use; and

24 (2) does not include any item specifically prohibited
25 under Section 38.11.

26 (c) An offense under this section is a Class C misdemeanor,
27 unless the offense is committed by an employee or a volunteer of the

1 correctional facility, in which event the offense is a Class B
2 misdemeanor.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 549 was passed by the House on April 20, 2005, by the following vote: Yeas 138, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 549 was passed by the Senate on May 24, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor