

By: Phillips

H.B. No. 549

Substitute the following for H.B. No. 549:

By: Smith of Harris

C.S.H.B. No. 549

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting the introduction of certain items in
3 certain local jails.

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

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

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

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

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

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

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

19 (5) a cigarette or tobacco product to a person
20 confined in a local jail regulated by the Commission on Jail
21 Standards and in providing the cigarette or tobacco product the
22 person violates an ordinance or order adopted by a commissioners
23 court or governing body of a municipality, as appropriate, that:

24 (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. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2005.