

1-1 By: Phillips, Guillen H.B. No. 549
1-2 (Senate Sponsor - Seliger)
1-3 (In the Senate - Received from the House April 21, 2005;
1-4 April 22, 2005, read first time and referred to Committee on
1-5 Criminal Justice; May 13, 2005, reported favorably by the
1-6 following vote: Yeas 5, Nays 0; May 13, 2005, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to prohibiting the introduction of certain items in
1-10 correctional facilities.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 38.11(a), Penal Code, is amended to read
1-13 as follows:

1-14 (a) A person commits an offense if the person provides:

1-15 (1) an alcoholic beverage, controlled substance, or
1-16 dangerous drug to an inmate of a correctional facility, except on
1-17 the prescription of a physician or practitioner, as defined in
1-18 Section 551.003, Occupations Code;

1-19 (2) a deadly weapon to an inmate of a correctional
1-20 facility; ~~or~~

1-21 (3) a cellular telephone, cigarette, tobacco product,
1-22 or money to an inmate of a correctional facility operated by or
1-23 under contract with the Texas Department of Criminal Justice;

1-24 (4) a cellular telephone or money to a person confined
1-25 in a local jail regulated by the Commission on Jail Standards; or

1-26 (5) a cigarette or tobacco product to a person
1-27 confined in a local jail regulated by the Commission on Jail
1-28 Standards and in providing the cigarette or tobacco product the
1-29 person violates a rule or regulation adopted by the sheriff or jail
1-30 administrator that:

1-31 (A) prohibits the possession of a cigarette or
1-32 tobacco product by an inmate confined in the jail; or

1-33 (B) places restrictions on:

1-34 (i) the possession of a cigarette or
1-35 tobacco product by an inmate confined in the jail; or

1-36 (ii) the manner in which a cigarette or
1-37 tobacco product may be provided to an inmate confined in the jail.

1-38 SECTION 2. Chapter 38, Penal Code, is amended by adding
1-39 Section 38.114 to read as follows:

1-40 Sec. 38.114. CONTRABAND IN CORRECTIONAL FACILITY. (a) A
1-41 person commits an offense if the person:

1-42 (1) provides contraband to an inmate of a correctional
1-43 facility;

1-44 (2) otherwise introduces contraband into a
1-45 correctional facility; or

1-46 (3) possesses contraband while confined in a
1-47 correctional facility.

1-48 (b) In this section, "contraband":

1-49 (1) means:

1-50 (A) any item not provided by or authorized by the
1-51 operator of the correctional facility; or

1-52 (B) any item provided by or authorized by the
1-53 operator of the correctional facility that has been altered to
1-54 accommodate a use other than the originally intended use; and

1-55 (2) does not include any item specifically prohibited
1-56 under Section 38.11.

1-57 (c) An offense under this section is a Class C misdemeanor,
1-58 unless the offense is committed by an employee or a volunteer of the
1-59 correctional facility, in which event the offense is a Class B
1-60 misdemeanor.

1-61 SECTION 3. This Act takes effect immediately if it receives
1-62 a vote of two-thirds of all the members elected to each house, as
1-63 provided by Section 39, Article III, Texas Constitution. If this
1-64 Act does not receive the vote necessary for immediate effect, this

2-1 Act takes effect September 1, 2005.

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