

By: Kolkhorst

H.B. No. 2077

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prohibition of wireless communications devices in
3 correctional facilities operated by or under contract with the
4 Texas Department of Criminal Justice; providing penalties.

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

6 SECTION 1. Sections 38.11(a) and (j), Penal Code, are
7 amended to read as follows:

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

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

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

15 (3) a cellular telephone or other wireless
16 communications device or a component of one of those devices,
17 cigarette, tobacco product, or money to an inmate of a correctional
18 facility operated by or under contract with the Texas Department of
19 Criminal Justice.

20 (j) A person commits an offense if the person while an
21 inmate of a correctional facility operated by or under contract
22 with the Texas Department of Criminal Justice possesses a cellular
23 telephone or other wireless communications device or a component of
24 one of those devices.

1 SECTION 2. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 covered by the law in effect when the offense was committed, and the
5 former law is continued in effect for that purpose. For purposes of
6 this section, an offense was committed before the effective date of
7 this Act if any element of the offense was committed before that
8 date.

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