

1-1 By: Kolkhorst (Senate Sponsor - Staples) H.B. No. 2077  
1-2 (In the Senate - Received from the House April 27, 2005;  
1-3 April 29, 2005, read first time and referred to Committee on  
1-4 Criminal Justice; May 20, 2005, reported favorably by the  
1-5 following vote: Yeas 4, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the prohibition of wireless communications devices in  
1-9 correctional facilities operated by or under contract with the  
1-10 Texas Department of Criminal Justice; providing penalties.

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

1-12 SECTION 1. Sections 38.11(a) and (j), Penal Code, are  
1-13 amended to read 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 or other wireless  
1-22 communications device or a component of one of those devices,  
1-23 cigarette, tobacco product, or money to an inmate of a correctional  
1-24 facility operated by or under contract with the Texas Department of  
1-25 Criminal Justice.

1-26 (j) A person commits an offense if the person while an  
1-27 inmate of a correctional facility operated by or under contract  
1-28 with the Texas Department of Criminal Justice possesses a cellular  
1-29 telephone or other wireless communications device or a component of  
1-30 one of those devices.

1-31 SECTION 2. The change in law made by this Act applies only  
1-32 to an offense committed on or after the effective date of this Act.  
1-33 An offense committed before the effective date of this Act is  
1-34 covered by the law in effect when the offense was committed, and the  
1-35 former law is continued in effect for that purpose. For purposes of  
1-36 this section, an offense was committed before the effective date of  
1-37 this Act if any element of the offense was committed before that  
1-38 date.

1-39 SECTION 3. This Act takes effect September 1, 2005.

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