

## **BILL ANALYSIS**

C.S.H.B. 4058  
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Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Recently, the Texas prison system has experienced a growth in the amount of threats made by inmates to others outside the prison by mail and other forms of communication. Under current law such a threat made by a Texas prisoner is considered a misdemeanor unless the threat is made to a public servant who had prior contact with the offender, in which case it is considered a third degree felony.

C.S.H.B. 4058 makes it a third degree felony if a person, while imprisoned or confined in a correctional facility operated by or under contract with the Texas Department of Criminal Justice, uses the United States mail to harm or threaten to harm a public servant, a witness, a prospective witness, an informant, or a person who has reported or who the actor knows intends to report the occurrence of a crime, regardless of whether the person who received the mail had previous contact with the offender.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 4058 amends the Penal Code to make it a third degree felony offense if a person, while imprisoned or confined in a correctional facility operated by or under contract with the Texas Department of Criminal Justice, intentionally or knowingly uses the United States mail to harm or threaten to harm another by an unlawful act on account of the service or status of another as a public servant, witness, prospective witness, informant, or a person who has reported or who the actor knows intends to report the occurrence of a crime. The bill enhances the penalty to a second degree felony if the victim of the offense was harmed or threatened because of the victim's service or status as a juror. The bill provides that it is not a defense to prosecution for such offense that the actor did not have any previous contact with the other person.

C.S.H.B. 4058 defines "informant."

### **EFFECTIVE DATE**

September 1, 2009.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 4058 omits language in the original including intentionally or knowingly using a means of communication other than mail to harm or threaten another by an unlawful act on account of the service provided by another relating to the case of a crime, in the conduct that constitutes the offense created under the bill's provisions. The substitute differs from the original by specifying that the mail used in committing the offense is the United States mail, whereas the original

defines "mail," for purposes of the offense, to include the United States mail and any intra-agency mail.