

By: McReynolds

H.B. No. 4058

A BILL TO BE ENTITLED

AN ACT

1
2 relating to creating an offense for persons imprisoned or confined
3 in the Texas Department of Criminal Justice to use the mail or other
4 means of communication to harm or threaten to harm certain other
5 persons.

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

7 SECTION 1. Chapter 36, Penal Code, is amended by adding
8 Section 36.061 to read as follows:

9 Sec. 36.061. UNLAWFUL COMMUNICATION BY PERSONS IN CERTAIN
10 CORRECTIONAL FACILITIES. (a) A person commits an offense if the
11 person, while imprisoned or confined in a correctional facility
12 operated by or under contract with the Texas Department of Criminal
13 Justice, intentionally or knowingly uses the mail or other means of
14 communication to harm or threaten to harm another by an unlawful act
15 on account of the service or status of another as a:

16 (1) public servant, witness, prospective witness, or
17 informant; or

18 (2) person who has reported or who the actor knows
19 intends to report the occurrence of a crime.

20 (b) In this section:

21 (1) "Informant" has the meaning assigned by Section
22 36.06.

23 (2) "Mail" includes the United States mail and any
24 intra-agency mail.

1 (c) An offense under this section is a felony of the third
2 degree, unless the victim of the offense was harmed or threatened
3 because of the victim's service or status as a juror, in which event
4 the offense is a felony of the second degree.

5 (d) It is not a defense to prosecution under this section
6 that the actor did not have any previous contact with the other
7 person.

8 SECTION 2. This Act takes effect September 1, 2009.