

## **BILL ANALYSIS**

H.B. 2678  
By: Moody  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In most circumstances, Texas law establishes penalties for a correctional facility employee who violates the civil rights of or engages in sexual conduct with a person in the custody of the employee's facility. Observers have noted that the employees of certain facilities that house individuals detained on immigration status grounds are not subject to these same penalties. Advocates for detainees assert that these penalties are a necessary protection that should also apply to facilities housing detainees. H.B. 2678 seeks to address these concerns by increasing protections for persons in facilities that house individuals detained on immigration status grounds.

### **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**

H.B. 2678 amends the Penal Code to include in the definition of "correctional facility," for purposes of statutory provisions relating to violations of the civil rights of a person in custody and improper sexual activity with a person in custody, any place or facility designated for the detention of a person suspected of violating a provision of the federal Immigration and Nationality Act.

H.B. 2678 amends the Code of Criminal Procedure to make a conforming change.

### **EFFECTIVE DATE**

September 1, 2013.