

By: Riddle

H.B. No. 3406

A BILL TO BE ENTITLED

AN ACT

relating to creating an offense for persons imprisoned or confined in correctional facilities to threaten to harm certain other persons by certain means of communication.

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

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

Sec. 36.061. UNLAWFUL COMMUNICATION OF THREAT BY PERSON IN CORRECTIONAL FACILITY. (a) In this section, "electronic transmission" means the transmission of information by facsimile, e-mail, electronic data interchange, or any other similar method.

(b) A person commits an offense if the person, while imprisoned or confined in a correctional facility, knowingly uses the United States mail or an electronic or telephone transmission to threaten to harm another by an unlawful act on account of the service or status of another as a public official.

(c) An offense under this section is a felony of the third degree.

SECTION 2. Article 42.08, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) When the same defendant has been convicted in two or more cases, judgment and sentence shall be pronounced in each case in the same manner as if there had been but one conviction. Except

as provided by Subsections ~~[Sections]~~ (b), ~~[and]~~ (c), and (d) ~~[of this article]~~, in the discretion of the court, the judgment in the second and subsequent convictions may either be that the sentence imposed or suspended shall begin when the judgment and the sentence imposed or suspended in the preceding conviction has ceased to operate, or that the sentence imposed or suspended shall run concurrently with the other case or cases, and sentence and execution shall be accordingly; provided, however, that the cumulative total of suspended sentences in felony cases shall not exceed 10 years, and the cumulative total of suspended sentences in misdemeanor cases shall not exceed the maximum period of confinement in jail applicable to the misdemeanor offenses, though in no event more than three years, including extensions of periods of community supervision under Section 22, Article 42.12, ~~[of this code]~~ if none of the offenses are offenses under Chapter 49, Penal Code, or four years, including extensions, if any of the offenses are offenses under Chapter 49, Penal Code.

(d) The judge shall order the sentence for an offense under Section 36.061, Penal Code, to commence immediately on completion of any other sentence imposed on the defendant.

SECTION 3. This Act takes effect September 1, 2013.