

By: Leach

H.B. No. 3249

Substitute the following for H.B. No. 3249:

By: Moody

C.S.H.B. No. 3249

A BILL TO BE ENTITLED

AN ACT

relating to persons who may be prosecuted for the offense of improper contact with a victim.

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

SECTION 1. Section 38.111(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person, while confined in a correctional facility after being charged with or convicted of an offense listed in Article 62.001(5), Code of Criminal Procedure, contacts by letter, telephone, or any other means, either directly or through a third party, a victim of the offense or a member of the victim's family, if [↕

~~[(1) the victim was younger than 17 years of age at the time of the commission of the offense for which the person is confined; and~~

~~[(2)]~~ the director of the correctional facility has not, before the person makes contact with the victim:

(1) [(A)] received written and dated consent to the contact from:

(A) the victim, if the victim was 17 years of age or older at the time of the commission of the offense for which the person is confined; or

(B) if the victim was younger than 17 years of age at the time of the commission of the offense for which the person is

1 confined:

- 2 (i) a parent of the victim;
- 3 (ii) a legal guardian of the victim;
- 4 (iii) the victim, if the victim is 17 years
5 of age or older at the time of giving the consent; or
- 6 (iv) a member of the victim's family who is
7 17 years of age or older; and

8 (2) [~~(B)~~] provided the person with a copy of the
9 consent.

10 SECTION 2. The change in law made by this Act applies only
11 to an offense committed on or after the effective date of this Act.
12 An offense committed before the effective date of this Act is
13 governed by the law in effect on the date the offense was committed,
14 and the former law is continued in effect for that purpose. For
15 purposes of this section, an offense was committed before the
16 effective date of this Act if any element of the offense occurred
17 before that date.

18 SECTION 3. This Act takes effect September 1, 2017.