

BILL ANALYSIS

Senate Research Center
86R1448 LHC-D

H.B. 1343
By: Leach (Paxton)
Criminal Justice
5/13/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been noted that an offender who is required to register as a sex offender is prohibited from contacting their victim or their victim's family if the victim was under 17 at the time the crime was committed. H.B. 1343 seeks to shield more victims of sex-related crimes from having to endure such unwanted and inappropriate interactions.

H.B. 1343 amends current law relating to persons who may be prosecuted for the criminal offense of improper contact with a victim.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 38.111(a), Penal Code, as follows;

(a) Makes nonsubstantive changes. Deletes text referring to a victim who was younger than 17 years of age at the time of the commission of the offense for which the person is confined. Provides that 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) (defining "reportable conviction or adjudication"), 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 the director of the correctional facility has not, before the person makes contact with the victim:

(1) 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 confined:

(i)-(iv) makes no changes to these subparagraphs; and

(2) redesignates Paragraph (2)(B) as this subdivision.

SECTION 2. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Effective date: September 1, 2019.