

By: Leach

H.B. No. 1343

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to persons who may be prosecuted for the criminal offense  
3 of improper contact with a victim.

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

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

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

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

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

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

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

23 (B) if the victim was younger than 17 years of age  
24 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, 2019.