

BILL ANALYSIS

Senate Research Center
87R11147 MCF-F

H.B. 3157
By: Reynolds et al. (Miles)
Criminal Justice
5/20/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised that the penalties for correctional and juvenile facility employees who violate the civil rights of a person in custody or engage in sexual activity with a person in custody or under supervision are not severe enough. H.B. 3157 seeks to address these concerns by broadening the conduct that is considered illegal and enhancing the criminal penalties for such offenses.

H.B. 3157 amends the Penal Code to remove the condition of knowing the actor's conduct is unlawful as a requisite state of mind for the offense of violating the civil rights of a person in custody and to increase the penalty for the offense from a Class A misdemeanor to a third degree felony.

H.B. 3157 increases the penalty for improper sexual activity with a person in custody or under supervision from a state jail felony to a second degree felony and increases the penalty enhancement for the offense from a second degree felony to a first degree felony

H.B. 3157 amends current law relating to the criminal offenses of violation of civil rights of and improper sexual activity with persons in custody and increases a criminal penalty.

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 Sections 39.04(a) and (b), Penal Code, as follows:

(a) Provides that an official of a correctional facility or juvenile facility, an employee of a correctional facility or juvenile facility, a person other than an employee who works for compensation at a correctional facility or juvenile facility, a volunteer at a correctional facility or juvenile facility, or a peace officer commits an offense if the person intentionally:

(1) denies or impedes a person in custody in the exercise or enjoyment of any right, privilege, or immunity, rather than denies or impedes a person in custody in the exercise or enjoyment of any right, privilege, or immunity knowing his conduct is unlawful; or

(2) engages in sexual contact, sexual intercourse, or deviate sexual intercourse with an individual in custody or, in the case of an individual in the custody of the Texas Juvenile Justice Department (TJJD) or placed in a juvenile facility, employs, authorizes, or induces the individual to engage in sexual conduct or a sexual performance.

(b) Provides that an offense under Subsection (a)(1) is a felony of the third degree, rather than a Class A misdemeanor. Provides that an offense under Subsection (a)(2) is a felony of the second degree, rather than a state jail felony, except that an offense under Subsection (a)(2) is a felony of the first degree, rather than second degree, if the offense is committed against certain individuals.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.