

## **BILL ANALYSIS**

C.S.H.B. 4565  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

A recent investigation conducted across the state of the hundreds of law enforcement officers that have permanently surrendered their peace officer license found that nearly all of the officers investigated were accused or charged with a felony. Furthermore, many of these officers were charged with a felony for sexual assault of a person under the custody of law enforcement. It has been noted that state law outlining sexual assault does not specifically account for circumstances in which a sexual assault occurs while the victim is in law enforcement custody. C.S.H.B. 4565 seeks to address this issue by expanding the conditions under which sexual assault is considered to be without the consent of the victim.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 4565 amends the Penal Code to include, as a circumstance under which a sexual assault is considered to be without consent of the other person, a sexual assault by a law enforcement officer while the other person is arrested or detained or otherwise in the custody of law enforcement. The bill provides for the definition of "law enforcement officer" by reference to statutory provisions relating to the occupational regulation of law enforcement officers.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 4565 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original included as a circumstance under which a sexual assault is considered to be without consent of the other person a sexual assault by a law enforcement officer who is involved in the detainment, custody, or arrest of the other person, whereas the substitute includes as such a circumstance a sexual assault by a law enforcement officer while the other person is arrested or detained or otherwise in the custody of law enforcement.

The original defined "law enforcement officer" as any occupation defined under Occupations Code provisions governing law enforcement officers, whereas the substitute defines that term as a peace officer, reserve law enforcement officer, county jailer, school marshal, or public security officer who is licensed under those provisions.