

By: Reynolds

H.B. No. 3157

A BILL TO BE ENTITLED

AN ACT

relating to the criminal offenses of violation of civil rights of and improper sexual activity with persons in custody; increasing a criminal penalty.

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

SECTION 1. Sections 39.04(a) and (b), Penal Code, are amended to read as follows:

(a) 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 [~~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 or placed in a juvenile facility, employs, authorizes, or induces the individual to engage in sexual conduct or a sexual performance.

(b) An offense under Subsection (a)(1) is a felony of the third degree [~~Class A misdemeanor~~]. An offense under Subsection

1 (a)(2) is a [~~state-jail~~] felony of the second degree, except that an
2 offense under Subsection (a)(2) is a felony of the first [~~second~~]
3 degree if the offense is committed against:

4 (1) an individual in the custody of the Texas Juvenile
5 Justice Department or placed in a juvenile facility; or

6 (2) a juvenile offender detained in or committed to a
7 correctional facility.

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

16 SECTION 3. This Act takes effect September 1, 2021.