

1-1 By: Reynolds, et al. (Senate Sponsor - Miles) H.B. No. 3157
 1-2 (In the Senate - Received from the House May 17, 2021;
 1-3 May 17, 2021, read first time and referred to Committee on Criminal
 1-4 Justice; May 22, 2021, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 22, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the criminal offenses of violation of civil rights of
 1-18 and improper sexual activity with persons in custody; increasing a
 1-19 criminal penalty.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Sections 39.04(a) and (b), Penal Code, are
 1-22 amended to read as follows:

1-23 (a) An official of a correctional facility or juvenile
 1-24 facility, an employee of a correctional facility or juvenile
 1-25 facility, a person other than an employee who works for
 1-26 compensation at a correctional facility or juvenile facility, a
 1-27 volunteer at a correctional facility or juvenile facility, or a
 1-28 peace officer commits an offense if the person intentionally:

1-29 (1) denies or impedes a person in custody in the
 1-30 exercise or enjoyment of any right, privilege, or immunity [~~knowing~~
 1-31 ~~his conduct is unlawful~~]; or

1-32 (2) engages in sexual contact, sexual intercourse, or
 1-33 deviate sexual intercourse with an individual in custody or, in the
 1-34 case of an individual in the custody of the Texas Juvenile Justice
 1-35 Department or placed in a juvenile facility, employs, authorizes,
 1-36 or induces the individual to engage in sexual conduct or a sexual
 1-37 performance.

1-38 (b) An offense under Subsection (a)(1) is a felony of the
 1-39 third degree [~~Class A misdemeanor~~]. An offense under Subsection
 1-40 (a)(2) is a [~~state jail~~] felony of the second degree, except that an
 1-41 offense under Subsection (a)(2) is a felony of the first [~~second~~]
 1-42 degree if the offense is committed against:

1-43 (1) an individual in the custody of the Texas Juvenile
 1-44 Justice Department or placed in a juvenile facility; or

1-45 (2) a juvenile offender detained in or committed to a
 1-46 correctional facility.

1-47 SECTION 2. The change in law made by this Act applies only
 1-48 to an offense committed on or after the effective date of this Act.
 1-49 An offense committed before the effective date of this Act is
 1-50 governed by the law in effect on the date the offense was committed,
 1-51 and the former law is continued in effect for that purpose. For
 1-52 purposes of this section, an offense was committed before the
 1-53 effective date of this Act if any element of the offense occurred
 1-54 before that date.

1-55 SECTION 3. This Act takes effect September 1, 2021.

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