

AN ACT

1
2 relating to the punishment for the criminal offense of improper
3 sexual activity with a person in custody; increasing a criminal
4 penalty.

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

6 SECTION 1. Section 39.04(b), Penal Code, is amended to read
7 as follows:

8 (b) An offense under Subsection (a)(1) is a Class A
9 misdemeanor. An offense under Subsection (a)(2) is a ~~[state jail~~
10 ~~felony, except that an offense under Subsection (a)(2) is a]~~ felony
11 of the second degree ~~[if the offense is committed against:~~

12 ~~[(1) an individual in the custody of the Texas Juvenile~~
13 ~~Justice Department or placed in a juvenile facility; or~~

14 ~~[(2) a juvenile offender detained in or committed to a~~
15 ~~correctional facility].~~

16 SECTION 2. The change in law made by this Act applies only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 governed by the law in effect on the date the offense was committed,
20 and the former law is continued in effect for that purpose. For
21 purposes of this section, an offense was committed before the
22 effective date of this Act if any element of the offense occurred
23 before that date.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 312 passed the Senate on April 19, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 27, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 312 passed the House, with amendments, on May 19, 2021, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor