

By: Huffman, et al.
(Smith)

S.B. No. 312

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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