

1-1 By: Huffman S.B. No. 312
1-2 (In the Senate - Filed January 11, 2021; March 9, 2021, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 9, 2021, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 9, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Huffman	X		
1-9	Hinojosa	X		
1-10	Creighton	X		
1-11	Hughes	X		
1-12	Johnson	X		

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to the punishment for the criminal offense of improper
1-16 sexual activity with a person in custody; increasing a criminal
1-17 penalty.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Section 39.04(b), Penal Code, is amended to read
1-20 as follows:

1-21 (b) An offense under Subsection (a)(1) is a Class A
1-22 misdemeanor. An offense under Subsection (a)(2) is a ~~[state jail~~
1-23 ~~felony, except that an offense under Subsection (a)(2) is a]~~ felony
1-24 of the second degree ~~[if the offense is committed against:~~

1-25 ~~[(1) an individual in the custody of the Texas Juvenile~~
1-26 ~~Justice Department or placed in a juvenile facility; or~~

1-27 ~~[(2) a juvenile offender detained in or committed to a~~
1-28 ~~correctional facility].~~

1-29 SECTION 2. The change in law made by this Act applies only
1-30 to an offense committed on or after the effective date of this Act.
1-31 An offense committed before the effective date of this Act is
1-32 governed by the law in effect on the date the offense was committed,
1-33 and the former law is continued in effect for that purpose. For
1-34 purposes of this section, an offense was committed before the
1-35 effective date of this Act if any element of the offense occurred
1-36 before that date.

1-37 SECTION 3. This Act takes effect September 1, 2021.

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