

House Bill 3157
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

SENATE VERSION (IE)

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 [FA1,3rd]

(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 (a)(2) is a ~~[state-jail]~~ felony of the second degree, except that an offense under Subsection (a)(2) is a felony of the first ~~[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. Same as House version.

CONFERENCE

House Bill 3157
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

SENATE VERSION (IE)

SECTION 3. Same as House version.

CONFERENCE