

BILL ANALYSIS

Senate Research Center

S.B. 1835
By: Shapiro
Criminal Justice
4-15-97
As Filed

DIGEST

Currently, there is no law that makes it an offense to entice a child with the intent to kidnap or bring harm to the child. Thus, offenders who attempt child abductions by, for example, luring children into vehicles with the promise of money, gifts, candy, parent's permission, etc., face no criminal sanctions. This legislation amends the kidnapping and false imprisonment law to make restraint of a child under the age of 14 by force, intimidation, or deception a Class A misdemeanor. S.B. 1835 also requires defendants convicted of this offense to register as sex offenders.

PURPOSE

As proposed, S.B. 1835 establishes the punishment for the offense of unlawful restraint, and requires certain defendants convicted of that offense to register as sex offenders.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Amends the chapter heading to Chapter 20, Penal Code, as follows:

CHAPTER 20. New heading: KIDNAPPING AND UNLAWFUL RESTRAINT

(b) Amends the section heading to Section 20.02, Penal Code, as follows:

Sec. 20.02. New heading: UNLAWFUL RESTRAINT.

SECTION 2. Amends Section 20.02(c), Penal Code, to make an offense under this section, regarding intentionally or knowingly restraining another person, a Class B misdemeanor, unless the person restrained was a child younger than 14 years of age, in which event the offense is a Class A misdemeanor.

SECTION 3. Amends Section 1(5), Article 6252-13c.1, V.T.C.S., to amend the definition of "reportable conviction or adjudication" to include a conviction for violation of Section 20.02, Penal Code (Unlawful restraint) or Section 20.02(c)(1), Penal Code.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.