

BILL ANALYSIS

Senate Research Center
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H.B. 1713
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Criminal Justice
5/6/1999
Committee Report (Amended)

DIGEST

Currently, most attempts to prosecute inmates for the throwing of bodily secretions must be treated as a misdemeanor offense. Such punishment provides little deterrent to prison inmates, and in fact, most prosecutors will not pursue misdemeanor charges against an inmate. H.B. 1713 would provide that an offense is committed if a person harasses individuals imprisoned or confined in adult or juvenile correctional facilities, in a certain manner.

PURPOSE

As proposed, H.B. 1713 provides that an offense is committed if a person harasses individuals imprisoned or confined in adult or juvenile correctional facilities.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 22, Penal Code, by adding Section 22.11, as follows:

Sec. 22.11. HARASSMENT BY PERSONS IN CERTAIN CORRECTIONAL FACILITIES. Provides that a person commits an offense, if the person imprisoned in certain correctional facilities with intent to harass, alarm, or annoy another person, causes the other person to contact the blood, seminal fluid, urine, or feces of the actor or any other persons. Provides that an offense under this section is a felony of the third degree. Provides that an offense under this section is a felony of the third degree. Authorizes the actor to be prosecuted under either section, if conduct constituting an offense under this section also constitutes an offense under another section of this code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 22.11, Penal Code, by adding new Subsection (b) and (c), to provide that an offense under this section is a felony of the third degree. Authorizes the actor to be prosecuted under either section, if conduct constituting an offense under this section also constitutes an offense under another section of this code. Deletes text regarding certain offenses.