

## **BILL ANALYSIS**

Senate Research Center  
77R6416 GWK-D

S.B. 997  
By: Madla  
Criminal Justice  
4/4/2001  
As Filed

### **DIGEST AND PURPOSE**

Currently, there is no statutory provision to punish those who, without consent, contact a victim through letter, telephone, or other means while the offender is confined in a correctional facility after being charged with or convicted of certain offenses as listed in Article 62.01(5), Code of Criminal Procedure. In cases of sexual assault, the victims are often children and the receipt of a letter or telephone call from the offender can be very devastating to the child and the family. As proposed, S.B. 997 creates an offense if a person, while confined in a correctional facility after being charged with or convicted of a certain offense, contacts his or her victim without the consent of the victim. If the offender has been convicted, the offense is a third degree felony, otherwise it is a Class A misdemeanor.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 38, Penal Code, by adding Section 38.111, as follows:

Sec. 38.111. IMPROPER CONTACT WITH VICTIM. (a) Provides that a person commits an offense if the person, while confined in a correctional facility after being charged with or convicted of an offense listed in Article 62.01(5) (Definitions), Code of Criminal Procedure, contacts by letter, telephone, or any other means, either directly or through a third party, a victim of the offense or a member of the victim's family if: the victim was younger than 17 years of age at the time of the commission of the offense for which the person is confined, and the director of the correctional facility has not, before the person makes contact with the victim, received consent from the appropriate representative of the victim and provided the person with a copy of the consent.

(b) Prohibits the person confined in a correctional facility from giving the written consent required under this section.

(c) Provides that there are certain affirmative defenses to prosecution under this section.

(d) Provides that an offense under this section is a Class A misdemeanor unless the actor is confined in a correctional facility after being convicted of a felony described by Subsection (a), in which event the offense is a third-degree felony.

SECTION 2. Effective date: September 1, 2001.

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