

BILL ANALYSIS

Senate Research Center
79R5999 PEP-D

H.B. 2077
By: Kolkhorst (Staples)
Criminal Justice
5/19/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Section 38.11 (Prohibited Substances and Items in Correctional Facility or on Property of Texas Department of Criminal Justice), Penal Code, only identifies cellular phones as items prohibited from being given to inmates in a correctional facility and not other wireless communications devices. The Texas Department of Criminal Justice is encountering smuggled devices or their components. Inmates are using these devices for email, Internet, and telephone uses.

H.B. 2077 broadens the scope of Section 38.11, Penal Code, to include a wireless communication device or a component of a wireless communications device.

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 Sections 38.11(a) and (j), Penal Code, as follows:

(a) Provides that a person commits an offense if the person provides to an inmate of a Texas Department of Criminal Justice (TDCJ) correctional facility a cellular telephone or other wireless communications device or a component of one of those devices. Makes a conforming change.

(j) Provides that a person commits an offense if the person while an inmate of a TDCJ correctional facility possesses a cellular telephone or other wireless communications device or a component of one of those devices.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.