

BILL ANALYSIS

Senate Research Center

H.B. 549
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Criminal Justice
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, people are prohibited from providing certain items to inmates in correctional facilities in Texas. These items include alcoholic beverages, controlled substances, dangerous drugs, and deadly weapons. Cellular telephones, cigarettes, tobacco products, and money are also prohibited from being provided to inmates in a correctional facility operated or under contract with the Texas Department of Criminal Justice. However, this provision does not currently apply to jails in local jurisdictions. Many jails have experienced problems with cigarettes and tobacco products being brought into jail facilities and used as a form of currency among inmates.

H.B. 549 extends the prohibition of cellular telephones and money to local jails regulated by the Commission on Jail Standards. The bill also extends the prohibition of cigarettes and tobacco products if the provision of such products violates an order by the county or city that has prohibited or limited the provision or possession of such products by inmates.

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 Section 38.11(a), Penal Code, to set forth actions which constitute an offense, including providing a cellular telephone or money to a person confined in a local jail regulated by the Commission on Jail Standards or providing a cigarette or tobacco product to such a person and, in providing the tobacco product, violating certain rules and regulations adopted by the sheriff or jail administrator.

SECTION 2. Amends Chapter 38, Penal Code, by adding Section 38.114, as follows:

Sec. 38.114. CONTRABAND IN CORRECTIONAL FACILITY. (a) Sets forth actions which constitute an offense.

(b) Defines "contraband."

(c) Provides that an offense under this section is a Class C misdemeanor, unless the offense is committed by an employee or a volunteer of the correctional facility, in which event the offense is a Class B misdemeanor.

SECTION 3. Effective date: upon passage or September 1, 2005.