

BILL ANALYSIS

Senate Research Center
84R2526 MAW-D

H.B. 511
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 39.04, Penal Code, provides a criminal offense for correctional facility employees who commit civil rights violations against people confined in their facilities or engage in sexual conduct with them. The statute currently applies to jails, prisons, juvenile facilities, and correctional facilities operated on contract. However, personnel in facilities that detain individuals on the grounds of immigration status are not subject to this penalty, despite performing substantially the same job as correctional officers.

H.B. 511 remedies this gap in law by amending the Penal Code to expand the definition of "correctional facility," for purposes of statutory provisions, making it an offense for certain individuals to intentionally violate the civil rights of a person in custody or engage in improper sexual activity with a person in custody in immigration detention facilities.

H.B. 511 amends current law relating to the prosecution of certain offenses committed against a person in custody.

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 39.04(e)(1), Penal Code, as follows:

(1) Redefines "correctional facility" to mean:

(A) Makes no change to this subdivision;

(B) any place or facility designated for the detention of a person suspected of violating a provision of the Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.); or

(C) Creates this subdivision from existing text.

SECTION 2. Amends Section 8B(a), Article 18.20, Code of Criminal Procedure, as follows:

(a) Redefines "correctional facility," in this section, to mean:

(1) any place described by Section 1.07(a)(14), Penal Code; or

(2) a "secure correctional facility" or "secure detention facility" as defined by Section 51.02, Family Code.

Deletes existing text providing that "correctional facility" has the meaning assigned by Section 39.04(e), Penal Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2015.