

## **BILL ANALYSIS**

S.B. 183  
By: Huffman  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that the law governing the offense of violating the civil rights of a person in custody and the offense of improper sexual activity with a person in custody does not expressly include conduct committed by officials, employees, and certain other persons working or volunteering at a juvenile facility. The parties express concern that this is an oversight in the law which may enable a person who abuses a juvenile offender to repeatedly get away with the abuse because the law does not specifically mention juvenile facility personnel with respect to the conduct and penalties associated with the offenses. S.B. 183 seeks to remedy this situation.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 183 amends the Penal Code to expand the actors to whom the offenses of violation of the civil rights of a person in custody and of improper sexual activity with a person in custody apply to include an official or employee of a juvenile facility, a person other than an employee who works for compensation at a juvenile facility, and a volunteer at a juvenile facility who engages in the conduct constituting the respective offense. The bill enhances the penalty for the offense of improper sexual activity with a person in custody from a state jail felony to a second degree felony if the offense is committed against an individual placed in a juvenile facility. The bill removes the condition on the penalty enhancement for such an improper sexual activity offense committed against a juvenile offender detained in or committed to a correctional facility that the operation of the facility is financed primarily with state funds.

S.B. 183 removes from the definition of "correctional facility," for purposes of those offenses, a secure correctional facility or secure detention facility as those terms are defined by the juvenile justice code. The bill redefines "custody" by including in the term the commitment of a juvenile offender to a correctional facility or juvenile facility, rather than the commitment of a juvenile offender to a facility operated by or under contract with one of the predecessor agencies to the Texas Juvenile Justice Department (TJJD) or with a local juvenile board. The bill defines "juvenile facility" as a facility for the detention or placement of juveniles under juvenile court jurisdiction and that is operated wholly or partly by TJJD, a juvenile board, or another governmental unit or by a private vendor under a contract with TJJD, the juvenile board, or the governmental unit.

**EFFECTIVE DATE**

September 1, 2015.