

BILL ANALYSIS

Senate Research Center
77R6416 GWK-D

H.B. 2890
By: McClendon (Madla)
Criminal Justice
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Engrossed

DIGEST AND PURPOSE

Under current Texas law, it is not an offense for certain offenders to contact, without consent, their victims through letter, telephone, or other means from within a correctional facility. H.B. 2890 provides that it is an offense if a person, while confined in a correctional facility after being charged with or convicted of certain offenses, contacts the victim under certain conditions.

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), 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, under certain conditions.

(b) Prohibits the person confined in a correctional facility from giving the written consent required under Subsection (a)(2)(A).

(c) Provides that it is an affirmative defense to prosecution under this section that the contact was indirect contact made through an attorney representing the person in custody and solely for the purpose of representing the person in a criminal proceeding.

(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 felony of the third degree.

SECTION 2. Effective date: September 1, 2001.