

## **BILL ANALYSIS**

Senate Research Center

S.B. 343  
By: Perry  
Criminal Justice  
6/8/2017  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, state law prohibits a number of inappropriate relationships. S.B. 343 prohibits an employee of the Texas Department of Criminal Justice (TDCJ), the Texas Juvenile Justice Department (TJJD), or a juvenile facility to engage in sexual relations with an individual who the employee knows is under the supervision of TDCJ, TJJD, or a local juvenile probation department.

The punishment for violating such a rule is a state jail felony.

Although current law lists juvenile probation and a person under the probation department, current law does not prohibit inappropriate sexual relationships between an employee of a community supervision and corrections department with an individual the employee knows is under the supervision of the community supervision and corrections department.

S.B. 343 adds relationships between an employee of a community supervision and corrections department with an individual the employee knows is under the supervision of the community supervision and corrections department to the list of offenses committed under Section 39.04(f), Penal Code. (Original Author's / Sponsor's Statement of Intent)

S.B. 343 amends current law relating to the prosecution of the offense of improper sexual activity with a person under supervision.

### **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 the heading to Section 39.04, Penal Code, to read as follows:

Sec. 39.04. VIOLATIONS OF THE CIVIL RIGHTS OF PERSON IN CUSTODY;  
IMPROPER SEXUAL ACTIVITY WITH PERSON IN CUSTODY OR UNDER  
SUPERVISION.

SECTION 2. Amends Section 39.04(e)(2-a), Penal Code, to redefine "juvenile facility."

SECTION 3. Amends Section 39.04(f), Penal Code, as follows:

(f) Provides that certain employees, including an employee of a community supervision and corrections department established under Chapter 76 (Community Supervision and Corrections Departments), Government Code, a person other than an employee who works for compensation at a juvenile facility or local juvenile probation department, or a volunteer at a juvenile facility or local juvenile probation department, commits an offense if the actor, rather than employee, engages in certain sexual acts with an individual who the actor knows is under the supervision of, but not in the custody of, certain departments, including a community supervision and corrections department. Makes conforming and nonsubstantive changes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2017.