

BILL ANALYSIS

Senate Research Center
76R8203 GWK-F

S.B. 894
By: Ogden
Criminal Justice
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As Filed

DIGEST

Currently, Section 39.04(a)(2), Penal Code, provides that a peace officer or employee of an adult jail or correctional facility commits a state jail felony if the officer or employee engages in sexual intercourse or deviate sexual intercourse with an individual in custody. This provision does not apply to employees of juvenile facilities and does not prohibit sexual conduct with individuals older than 17 who are in juvenile detention and correctional programs. This bill would amend Section 39.04, Penal Code, to extend its application to employees of juvenile correctional facilities and juvenile detention centers and expand the prohibited activity to include "sexual contact" as defined in Section 21.01(2), Penal Code.

PURPOSE

As proposed, S.B. 894 sets forth criteria for the offense of improper sexual activity between certain law enforcement or correctional personnel and persons under custody, and provides penalties.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 39.04(a), Penal Code, to provide that an offense is committed if an official or employee of a correctional facility or a peace officer intentionally engages in sexual contact with an individual in custody.

SECTION 2. Amends Section 39.04(e), Penal Code, to define "correctional facility," and to redefine "custody," "sexual contact," and "sexual intercourse."

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.