

BILL ANALYSIS

H.B. 3157
By: Reynolds
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that the penalties for correctional and juvenile facility employees who violate the civil rights of a person in custody or engage in sexual activity with a person in custody or under supervision are not severe enough. H.B. 3157 seeks to address these concerns by broadening the conduct that is considered illegal and enhancing the criminal penalties for such offenses.

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

H.B. 3157 amends the Penal Code to remove the condition of knowing the actor's conduct is unlawful as a requisite state of mind for the offense of violating the civil rights of a person in custody and to increase the penalty for the offense from a Class A misdemeanor to a third degree felony.

H.B. 3157 increases the penalty for improper sexual activity with a person in custody or under supervision from a state jail felony to a second degree felony and increases the penalty enhancement for the offense from a second degree felony to a first degree felony.

EFFECTIVE DATE

September 1, 2021.