

BILL ANALYSIS

H.B. 376
By: Smith
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, engaging in improper sexual activity with an adult individual in custody is a state jail felony. There have been calls to increase the punishment for this offense so that the punishment more closely reflects the seriousness of the crime. H.B. 376 seeks to address this issue by increasing the penalty for the offense to a second degree felony, thereby bringing the punishment in line with other sexual offenses in which no effective consent can be given.

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. 376 amends the Penal Code to increase the penalty for an offense of improper sexual activity with a person in custody or under supervision from a state jail felony to a second degree felony.

EFFECTIVE DATE

September 1, 2021.