

## **BILL ANALYSIS**

Senate Research Center  
78R4677 KCR-F

S.B. 729  
By: Staples  
Criminal Justice  
3/17/2003  
As Filed

### **DIGEST AND PURPOSE**

Currently, an incarcerated individual commits an offense if that person intentionally and maliciously causes another person to contact certain human fluids or products. In order to prosecute an individual for the offense, the state must demonstrate that the substance is human in origin. When the Department of Health analyzes feces, the testing technique shows that the substance is of a mammal. To determine if the material is actually that of a person, requires more extensive and more expensive testing. As proposed, S.B. 729 amends the Penal Code to include animals in the list of product sources constituting an element of the offense of harassment.

### **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 Section 22.11(a), Penal Code, to add causing a person to contact the blood, seminal fluid, urine, or feces of an animal to the elements of the offense of harassment by persons in certain correctional facilities.

SECTION 2. (a) Effective date: September 1, 2003.

(b) Makes application of this Act prospective.