By: Perry   S.B. No. 343

A BILL TO BE ENTITLED

1   AN ACT

2 relating to the prosecution of the offense of improper sexual

3 activity with a person under the supervision of a community

4 supervision and corrections department.

5   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6   SECTION 1. The heading to Section 39.04, Penal Code, is

7 amended to read as follows:

8   Sec. 39.04. VIOLATIONS OF THE CIVIL RIGHTS OF PERSON IN

9 CUSTODY; IMPROPER SEXUAL ACTIVITY WITH PERSON IN CUSTODY OR UNDER

10 SUPERVISION.

11   SECTION 2. Section 39.04(f), Penal Code, is amended to read

12 as follows:

13   (f) An employee of the Texas Department of Criminal Justice,

14 the Texas Juvenile Justice Department, a juvenile facility, [or] a

15 local juvenile probation department, or a community supervision and

16 corrections department established under Chapter 76, Government

17 Code, commits an offense if the employee engages in sexual contact,

18 sexual intercourse, or deviate sexual intercourse with an

19 individual who the employee knows is under the supervision of the

20 Texas Department of Criminal Justice, Texas Juvenile Justice

21 Department, [or] probation department, or community supervision

22 and corrections department but not in the custody of the Texas

23 Department of Criminal Justice, Texas Juvenile Justice Department,

24 [or] probation department, or community supervision and

1   corrections department.

2   SECTION 3. The change in law made by this Act applies only

3   to an offense committed on or after the effective date of this Act.

4   An offense committed before the effective date of this Act is

5   governed by the law in effect on the date the offense was committed,

6   and the former law is continued in effect for that purpose. For

7   purposes of this section, an offense was committed before the

8   effective date of this Act if any element of the offense occurred

9   before that date.

10   SECTION 4. This Act takes effect September 1, 2017.