

1-1 By: Perry S.B. No. 343  
 1-2 (In the Senate - Filed December 16, 2016; January 30, 2017,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 March 20, 2017, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 20, 2017,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 343 By: Huffman

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the prosecution of the offense of improper sexual  
 1-22 activity with a person under supervision.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The heading to Section 39.04, Penal Code, is  
 1-25 amended to read as follows:

1-26 Sec. 39.04. VIOLATIONS OF THE CIVIL RIGHTS OF PERSON IN  
 1-27 CUSTODY; IMPROPER SEXUAL ACTIVITY WITH PERSON IN CUSTODY OR UNDER  
 1-28 SUPERVISION.

1-29 SECTION 2. Section 39.04(e)(2-a), Penal Code, is amended to  
 1-30 read as follows:

1-31 (2-a) "Juvenile facility" means:

1-32 (A) a facility operated by the Texas Juvenile  
 1-33 Justice Department or a private vendor under a contract with the  
 1-34 Texas Juvenile Justice Department; or

1-35 (B) a facility for the detention or placement of  
 1-36 juveniles under juvenile court jurisdiction and that is operated  
 1-37 wholly or partly by ~~the Texas Juvenile Justice Department,~~ a  
 1-38 juvenile board~~]~~ or another governmental unit or by a private  
 1-39 vendor under a contract with the ~~Texas Juvenile Justice~~  
 1-40 ~~Department,~~ juvenile board~~]~~ or governmental unit.

1-41 SECTION 3. Section 39.04(f), Penal Code, is amended to read  
 1-42 as follows:

1-43 (f) An employee of the Texas Department of Criminal Justice,  
 1-44 the Texas Juvenile Justice Department, a juvenile facility, ~~or~~ a  
 1-45 local juvenile probation department, or a community supervision and  
 1-46 corrections department established under Chapter 76, Government  
 1-47 Code, a person other than an employee who works for compensation at  
 1-48 a juvenile facility or local juvenile probation department, or a  
 1-49 volunteer at a juvenile facility or local juvenile probation  
 1-50 department commits an offense if the actor ~~employee~~ engages in  
 1-51 sexual contact, sexual intercourse, or deviate sexual intercourse  
 1-52 with an individual who the actor ~~employee~~ knows is under the  
 1-53 supervision of the Texas Department of Criminal Justice, Texas  
 1-54 Juvenile Justice Department, ~~or~~ probation department, or  
 1-55 community supervision and corrections department but not in the  
 1-56 custody of the Texas Department of Criminal Justice, Texas Juvenile  
 1-57 Justice Department, ~~or~~ probation department, or community  
 1-58 supervision and corrections department.

1-59 SECTION 4. The change in law made by this Act applies only  
 1-60 to an offense committed on or after the effective date of this Act.

2-1 An offense committed before the effective date of this Act is  
2-2 governed by the law in effect on the date the offense was committed,  
2-3 and the former law is continued in effect for that purpose. For  
2-4 purposes of this section, an offense was committed before the  
2-5 effective date of this Act if any element of the offense occurred  
2-6 before that date.

2-7 SECTION 5. This Act takes effect September 1, 2017.

2-8

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