

1-1 By: Leach (Senate Sponsor - Paxton) H.B. No. 1343
1-2 (In the Senate - Received from the House April 26, 2019;
1-3 April 29, 2019, read first time and referred to Committee on
1-4 Criminal Justice; May 15, 2019, reported favorably by the
1-5 following vote: Yeas 6, Nays 0; May 15, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Buckingham	X		
1-11	Flores	X		
1-12	Hughes		X	
1-13	Miles	X		
1-14	Perry	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to persons who may be prosecuted for the criminal offense
1-18 of improper contact with a victim.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 38.111(a), Penal Code, is amended to
1-21 read as follows:

1-22 (a) A person commits an offense if the person, while
1-23 confined in a correctional facility after being charged with or
1-24 convicted of an offense listed in Article 62.001(5), Code of
1-25 Criminal Procedure, contacts by letter, telephone, or any other
1-26 means, either directly or through a third party, a victim of the
1-27 offense or a member of the victim's family, if ~~+~~

1-28 ~~[(1) the victim was younger than 17 years of age at the~~
1-29 ~~time of the commission of the offense for which the person is~~
1-30 ~~confined; and~~

1-31 ~~[(2)]~~ the director of the correctional facility has
1-32 not, before the person makes contact with the victim:

1-33 (1) ~~[(A)]~~ received written and dated consent to the
1-34 contact from:

1-35 (A) the victim, if the victim was 17 years of age
1-36 or older at the time of the commission of the offense for which the
1-37 person is confined; or

1-38 (B) if the victim was younger than 17 years of age
1-39 at the time of the commission of the offense for which the person is
1-40 confined:

1-41 (i) a parent of the victim;
1-42 (ii) a legal guardian of the victim;
1-43 (iii) the victim, if the victim is 17 years
1-44 of age or older at the time of giving the consent; or
1-45 (iv) a member of the victim's family who is
1-46 17 years of age or older; and

1-47 (2) ~~[(B)]~~ provided the person with a copy of the
1-48 consent.

1-49 SECTION 2. The change in law made by this Act applies only
1-50 to an offense committed on or after the effective date of this Act.
1-51 An offense committed before the effective date of this Act is
1-52 governed by the law in effect on the date the offense was committed,
1-53 and the former law is continued in effect for that purpose. For
1-54 purposes of this section, an offense was committed before the
1-55 effective date of this Act if any element of the offense occurred
1-56 before that date.

1-57 SECTION 3. This Act takes effect September 1, 2019.

1-58 * * * * *