

AN ACT

relating to prohibiting the introduction of certain items in correctional facilities.

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

SECTION 1. Section 38.11(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person provides:

(1) an alcoholic beverage, controlled substance, or dangerous drug to an inmate of a correctional facility, except on the prescription of a physician or practitioner, as defined in Section 551.003, Occupations Code;

(2) a deadly weapon to an inmate of a correctional facility; ~~or~~

(3) a cellular telephone, cigarette, tobacco product, or money to an inmate of a correctional facility operated by or under contract with the Texas Department of Criminal Justice;

(4) a cellular telephone or money to a person confined in a local jail regulated by the Commission on Jail Standards; or

(5) a cigarette or tobacco product to a person confined in a local jail regulated by the Commission on Jail Standards and in providing the cigarette or tobacco product the person violates a rule or regulation adopted by the sheriff or jail administrator that:

(A) prohibits the possession of a cigarette or

tobacco product by an inmate confined in the jail; or

(B) places restrictions on:

(i) the possession of a cigarette or tobacco product by an inmate confined in the jail; or

(ii) the manner in which a cigarette or tobacco product may be provided to an inmate confined in the jail.

SECTION 2. Chapter 38, Penal Code, is amended by adding Section 38.114 to read as follows:

Sec. 38.114. CONTRABAND IN CORRECTIONAL FACILITY. (a) A person commits an offense if the person:

(1) provides contraband to an inmate of a correctional facility;

(2) otherwise introduces contraband into a correctional facility; or

(3) possesses contraband while confined in a correctional facility.

(b) In this section, "contraband":

(1) means:

(A) any item not provided by or authorized by the operator of the correctional facility; or

(B) any item provided by or authorized by the operator of the correctional facility that has been altered to accommodate a use other than the originally intended use; and

(2) does not include any item specifically prohibited under Section 38.11.

(c) An offense under this section is a Class C misdemeanor, unless the offense is committed by an employee or a volunteer of the

1 correctional facility, in which event the offense is a Class B
2 misdemeanor.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2005.

David Swinhurst

President of the Senate

Tom Caslick

Speaker of the House

I certify that H.B. No. 549 was passed by the House on April 20, 2005, by the following vote: Yeas 138, Nays 0, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 549 was passed by the Senate on May 24, 2005, by the following vote: Yeas 31, Nays 0.

Daisy Shaw

Secretary of the Senate

APPROVED:

17 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 A.M. O'CLOCK

JUN 17 2005

Roger Williams

Secretary of State