

By: Gallegos

S.B. No. 30

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the location of certain sex offenders  
and to notice reflecting that location.

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

SECTION 1. Section 11, Article 42.12, Code of Criminal  
Procedure, is amended by adding Subsection (j) to read as follows:

(j)(1) In addition to requiring the conditions described by  
Subsection (e), a judge granting community supervision to a  
defendant required to register as a sex offender under Chapter 62  
shall prohibit the defendant, without the express, written  
permission of the community supervision and corrections department  
officer supervising the defendant, from residing:

(A) in the same dwelling, mobile home park,  
apartment complex, or other lodging as another person the defendant  
knows is required to register as a sex offender under Chapter 62; or

(B) within 1,500 feet of another person the  
defendant knows is required to register as a sex offender under  
Chapter 62.

(2) For the purposes of this subsection, a defendant  
is presumed to know another person is required to register as a sex  
offender if the community supervision and corrections department  
officer supervising the defendant notifies the defendant of that  
fact.

(3) Notwithstanding Subdivision (1), a prohibition

1 regarding the defendant's residence under that subdivision does not  
2 apply to a residential facility or private residence where the  
3 defendant is required by the judge to reside as a condition of  
4 community supervision.

5 (4) In this subsection:

6 (A) "Apartment complex" means two or more  
7 dwellings in one or more buildings that are owned by the same owner,  
8 located on the same lot or tract, and managed by the same owner,  
9 agent, or management company.

10 (B) "Mobile home park" means a place, divided  
11 into sites, at which the primary business is the rental or leasing  
12 of the sites to persons for use in occupying mobile homes as  
13 dwellings.

14 SECTION 2. Article 62.08, Code of Criminal Procedure, is  
15 amended by adding Subsection (j) to read as follows:

16 (j) The department shall provide notice of the residential  
17 address of any person required to register under this chapter to  
18 each state senator and state representative who represents an area  
19 in which the person resides. The department shall also provide the  
20 notice to the head of the governing body of the county, school  
21 district, and, if applicable, municipality in which the person  
22 resides. The department shall provide the notice required by this  
23 subsection as the applicable address information becomes available  
24 through the person's registration or verification of registration.

25 SECTION 3. Subchapter F, Chapter 508, Government Code, is  
26 amended by adding Section 508.1861 to read as follows:

27 Sec. 508.1861. SEX OFFENDER RESIDENCES. (a) In addition to

1 requiring the conditions described by Section 508.186, a parole  
2 panel shall require as a condition of parole or mandatory  
3 supervision that, without the express, written permission of the  
4 parole officer supervising the releasee, a releasee required to  
5 register as a sex offender under Chapter 62, Code of Criminal  
6 Procedure, not reside:

7           (1) in the same dwelling, mobile home park, apartment  
8 complex, or other lodging as another person the releasee knows is  
9 required to register as a sex offender under Chapter 62, Code of  
10 Criminal Procedure; or

11           (2) within 1,500 feet of another person the releasee  
12 knows is required to register as a sex offender under Chapter 62,  
13 Code of Criminal Procedure.

14           (b) For the purposes of this section, a releasee is presumed  
15 to know another person is required to register as a sex offender if  
16 the parole officer supervising the defendant notifies the defendant  
17 of that fact.

18           (c) Notwithstanding Subsection (a), a requirement regarding  
19 the releasee's residence under that subsection does not apply to a  
20 residential facility or private residence where the releasee is  
21 required by the parole panel to reside as a condition of parole or  
22 mandatory supervision.

23           (d) In this section:

24           (1) "Apartment complex" means two or more dwellings in  
25 one or more buildings that are owned by the same owner, located on  
26 the same lot or tract, and managed by the same owner, agent, or  
27 management company.

1           (2) "Mobile home park" means a place, divided into  
2 sites, at which the primary business is the rental or leasing of the  
3 sites to persons for use in occupying mobile homes as dwellings.

4           SECTION 4. Section 508.187(b), Government Code, is amended  
5 to read as follows:

6           (b) A parole panel shall establish a child safety zone  
7 applicable to a releasee if the panel determines that a child as  
8 defined by Section 22.011(c), Penal Code, was the victim of the  
9 offense, by requiring as a condition of parole or mandatory  
10 supervision that the releasee:

11           (1) not:

12           (A) supervise or participate in any program that  
13 includes as participants or recipients persons who are 17 years of  
14 age or younger and that regularly provides athletic, civic, or  
15 cultural activities; or

16           (B) go in, on, or within 1,000 feet [~~a distance~~  
17 ~~specified by the panel~~] of premises where children commonly gather,  
18 including a school, day-care facility, playground, public or  
19 private youth center, public swimming pool, or video arcade  
20 facility; and

21           (2) attend for a period of time determined necessary  
22 by the panel psychological counseling sessions for sex offenders  
23 with an individual or organization that provides sex offender  
24 treatment or counseling as specified by the parole officer  
25 supervising the releasee after release.

26           SECTION 5. Section 508.187, Government Code, is amended by  
27 adding Subsection (g) to read as follows:

1        (g) Notwithstanding Subsection (b)(1)(B), a parole panel  
2 requirement that a releasee not go in, on, or within 1,000 feet of  
3 certain premises does not apply to a releasee while the releasee is  
4 in or going immediately to or from a:

5            (1) parole office;

6            (2) premises at which the releasee is participating in  
7 a program or activity required as a condition of release;

8            (3) halfway house or community residential facility in  
9 which the releasee is required to reside as a condition of release,  
10 if the halfway house or facility was in operation as a residence for  
11 releasees on June 1, 2003; or

12           (4) private residence in which the releasee is  
13 required to reside as a condition of release.

14        SECTION 6. (a) If conditions of community supervision or  
15 release on parole or mandatory supervision imposed before the  
16 effective date of this Act do not prohibit a sex offender under the  
17 supervision of the court or a parole panel from residing in  
18 proximity to another registered sex offender or from entering a  
19 child safety zone of 1,000 feet, the court or parole panel, as  
20 appropriate, shall modify the conditions of supervision or parole  
21 as applicable to impose those prohibitions.

22        (b) The Department of Public Safety of the State of Texas  
23 shall establish the procedure required by Article 62.08(j), Code of  
24 Criminal Procedure, as added by this Act, not later than December 1,  
25 2003.

26        (c) The change in law made by this Act applies to a person  
27 subject to registration under Chapter 62, Code of Criminal

1 Procedure, for an offense or conduct that was committed before, on,  
2 or after the effective date of this Act.

3 SECTION 7. This Act takes effect November 1, 2003.