

BILL ANALYSIS

H.B. 476
By: Farrar
Law Enforcement
Committee Report (Amended)

BACKGROUND AND PURPOSE

Under current law, conditions of release for sex offenders are not required to forbid them from living with one another. This has led to the ad hoc creation of unofficial “sex offender halfway houses,” residences shared by multiple sex offenders. Although these residences pose unique risks to the communities in which they are located, they are not regulated as halfway houses. House Bill 476 gives discretion as to whether living with other sex offenders is an appropriate living arrangement for the particular offender to his or her supervising officer.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. House Bill 476 amends the Code of Criminal Procedure to require a judge granting community supervision to a sex offender to prohibit the offender from residing with another person he or she knows is also a sex offender without express written consent from his or her supervising officer.

SECTION 2. House Bill 476 amends the Government Code to require a parole panel, when setting conditions of parole or mandatory supervision, to prohibit a sex offender from residing with another person he or she knows is also a sex offender without express written consent from his or her supervising officer.

SECTION 3. House Bill 476 provides that this Act is retroactive. If conditions of release imposed before the effective date of this Act do not prohibit a sex offender from residing with other sex offenders without the consent of his or her supervising officer, the court or parole panel is required to modify the conditions of release to impose that prohibition as necessary.

EFFECTIVE DATE

This Act takes effect September 1, 2003.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 amends the Code of Criminal Procedure by providing that a person required to register as a sex offender under Chapter 62, Code of Criminal Procedure, is prohibited from residing with another sex offender without a recommendation to the judge by the community supervision and corrections department officer supervising the defendant and the express, written approval of the recommendation by the judge.