

BILL ANALYSIS

Senate Research Center

S.B. 1054
By: Shapleigh
Criminal Justice
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Enrolled

DIGEST AND PURPOSE

Currently, the Texas Code of Criminal Procedure does not specify the use of evaluative and rehabilitative treatment procedures for adult sex offenders. The current scheme does not specify the use of such standards and methodology in conjunction with the conditions of an offender's probation. S.B. 1054 requires a judge to direct a supervision officer to evaluate the appropriateness of, and a course of conduct necessary for, treatment, specialized supervision, or rehabilitation of a defendant who is a sex offender. This bill also requires a judge who grants community supervision to a defendant to require the defendant to attend offense-specific sexual offender treatment, specialized supervision, rehabilitation programs, or other standards and practices specifically adopted by the Texas Council on Sex Offender Treatment. S.B. 1054 requires the judge to require the defendant to pay all or part of the costs of the treatment, supervision, or rehabilitation.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 42.12, Code of Criminal Procedure, by adding Section 9A, as follows:

Sec. 9A. SEX OFFENDERS: PRESENTENCE INVESTIGATION AND POSTSENTENCE TREATMENT AND SUPERVISION.

- (a) Defines "council" and "sex offender."
- (b) Authorizes a supervision officer to release to certain individuals information in a presentence or postsentence report concerning the social and criminal history of a defendant who is a sex offender.
- (c) Requires the judge to direct a supervision officer approved by the community supervision and corrections department or the judge or a person, program, or other agency approved by the Council on Sex Offender Treatment (council) to evaluate the appropriateness of, and a course of conduct necessary for, treatment, specialized supervision, or rehabilitation of the defendant and to report the results of the evaluation to the judge, if the defendant is a sex offender. Authorizes the judge to require the evaluation to use offense-specific standards of practice adopted by the council and to require the report to reflect those standards. Requires the evaluation to be made after conviction and before the entry of a final judgment or, if requested by the defendant, after arrest and before conviction.

SECTION 2. Amends Section 11, Article 42.12, Code of Criminal Procedure, by adding Subsection (i), as follows:

- (i) Authorizes a judge who grants community supervision to a sex offender evaluated under Section 9A to require the sex offender as a condition of community supervision to

submit to treatment, specialized supervision, or rehabilitation according to offense-specific standards of practice adopted by the council. Requires the judge, on a finding that the defendant is financially able to make payment, to require the defendant to pay all or part of the reasonable and necessary costs of the treatment, supervision, or rehabilitation.

SECTION 3. Amends Section 13B, Article 42.12, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (i), as follows:

(a) Specifies a child safety zone to be a distance of “within 1,000 feet,” rather than a distance specified by the judge, of a premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, or video arcade facility.

(i) Provides that, notwithstanding Subsection (a)(1)(B), a requirement that a defendant not go in, on, or within 1,000 feet of certain premises does not apply to a defendant while the defendant is in or going immediately to or from a:

- (1) community supervision and corrections department office;
- (2) premises at which the defendant is participating in a program or activity required as a condition of community supervision;
- (3) residential facility in which the defendant is required to reside as a condition of community supervision, if the facility was in operation as a residence for defendants on community supervision on June 1, 2003; or
- (4) private residence at which the defendant is required to reside as a condition of community supervision.

SECTION 4. Amends the heading to Section 14, Article 42.12, Code of Criminal Procedure, as amended by Chapter 165, Acts of the 73rd Legislature, Regular Session, 1993, and Chapter 910, Acts of the 76th Legislature, Regular Session, 1999, to read as follows:

Sec. 14. CHILD ABUSERS AND FAMILY VIOLENCE OFFENDERS;
SPECIAL CONDITIONS.

SECTION 5. Repealer: Sections 9(l) and (m) (Presentence Investigations), Article 42.12 (Community Supervision), Code of Criminal Procedure.

SECTION 6. Repealer: Section 14(b) (Child Abusers, Sex Offenders, and Family Violence Offenders; Special Conditions), Article 42.12, Code of Criminal Procedure, as amended by Chapter 165, Acts of the 73rd Legislature, Regular Session, 1993, and Chapter 910, Acts of the 76th Legislature, Regular Session, 1999.

SECTION 7. (a) Provides that except as provided by Subsection (b) of this section, the change in law made by this Act in amending Section 13B, Article 42.12, Code of Criminal Procedure, applies only to a person placed on community supervision on or after the effective date of this Act.

(b) Authorizes a court to modify a condition of community supervision to require that a person who before that date was placed on community supervision maintain a distance of 1,000 feet from a premises where children commonly gather, on or after the effective date of this Act.

SECTION 8. Makes application of this Act prospective, except as provided by Section 7 of this Act.

SECTION 9. Effective date: September 1, 2003.