

By: Farrar, Noriega, Moreno of Harris

H.B. No. 476

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to requiring as a condition of release on parole,  
3 mandatory supervision, or community supervision that sex offenders  
4 not reside in proximity with other sex offenders.

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

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

8 (i) In addition to requiring the conditions described by  
9 Subsection (e), a judge granting community supervision to a  
10 defendant required to register as a sex offender under Chapter 62  
11 shall prohibit the defendant from residing in the same dwelling,  
12 mobile home park, apartment complex, or other lodging as another  
13 person the defendant knows is required to register as a sex offender  
14 under Chapter 62, without the express, written permission of the  
15 community supervision and corrections department officer  
16 supervising the defendant. For the purposes of this subsection, a  
17 defendant is presumed to know another person is required to  
18 register as a sex offender if the community supervision and  
19 corrections department officer supervising the defendant notifies  
20 the defendant of that fact. In this subsection:

21 (1) "Apartment complex" means two or more dwellings in  
22 one or more buildings that are owned by the same owner, located on  
23 the same lot or tract, and managed by the same owner, agent, or  
24 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 2. Subchapter F, Chapter 508, Government Code, is  
5 amended by adding Section 508.1861 to read as follows:

6           Sec. 508.1861. SEX OFFENDER RESIDENCES. (a) In addition to  
7 requiring the conditions described by Section 508.186, a parole  
8 panel shall require as a condition of parole or mandatory  
9 supervision that a releasee required to register as a sex offender  
10 under Chapter 62 not reside in the same dwelling, mobile home park,  
11 apartment complex, or other lodging as another person the releasee  
12 knows is required to register as a sex offender under Chapter 62,  
13 without the express, written permission of the parole officer  
14 supervising the releasee. For the purposes of this section, a  
15 releasee is presumed to know another person is required to register  
16 as a sex offender if the parole officer supervising the defendant  
17 notifies the defendant of that fact.

18           (b) In this section:

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

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

26           SECTION 3. If conditions of community supervision or  
27 release on parole or mandatory supervision imposed before the

1 effective date of this Act do not prohibit a sex offender under the  
2 supervision of the court or a parole panel from residing in  
3 proximity to another registered sex offender, the court or parole  
4 panel, as appropriate, shall modify the conditions of supervision  
5 or parole as applicable to impose that prohibition.

6 SECTION 4. This Act takes effect September 1, 2003.

1 COMMITTEE AMENDMENT NO. 1

2 Amend H.B. No. 476 as follows:

3 (1) On page 1, lines 14-16, strike ", without the express,  
4 written permission of the community supervision and corrections  
5 department officer supervising the defendant" and substitute ",  
6 without a recommendation to the judge by the community supervision  
7 and corrections department officer supervising the defendant and  
8 the express, written approval of the recommendation by the judge".

9 78R10299 GWK-D

Garza