

By: Farrar, Allen, et al.

H.B. No. 477

Substitute the following for H.B. No. 477:

By: Allen

C.S.H.B. No. 477

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to requiring sex offenders released on community  
3 supervision, parole, or mandatory supervision to maintain a certain  
4 distance from any premises where children frequently gather.

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

6 SECTION 1. Section 508.187(b), Government Code, is amended  
7 to read as follows:

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

13 (1) not:

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

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

23 (2) attend for a period of time determined necessary  
24 by the panel psychological counseling sessions for sex offenders

1 with an individual or organization that provides sex offender  
2 treatment or counseling as specified by the parole officer  
3 supervising the releasee after release.

4 SECTION 2. Section 508.187, Government Code, is amended by  
5 adding Subsection (g) to read as follows:

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

10 (1) parole office;

11 (2) premises at which the releasee is participating in  
12 a program or activity:

13 (A) required as a condition of release; or

14 (B) permitted or not prohibited as a condition of  
15 release;

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

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

22 SECTION 3. Section 13B(a), Article 42.12, Code of Criminal  
23 Procedure, is amended to read as follows:

24 (a) If a judge grants community supervision to a defendant  
25 described by Subsection (b) and the judge determines that a child as  
26 defined by Section 22.011(c), Penal Code, was the victim of the  
27 offense, the judge shall establish a child safety zone applicable

1 to the defendant by requiring as a condition of community  
2 supervision that the defendant:

3 (1) not:

4 (A) supervise or participate in any program that  
5 includes as participants or recipients persons who are 17 years of  
6 age or younger and that regularly provides athletic, civic, or  
7 cultural activities; or

8 (B) go in, on, or within 1,000 feet [~~a distance~~  
9 ~~specified by the judge~~] of a premises where children commonly  
10 gather, including a school, day-care facility, playground, public  
11 or private youth center, public swimming pool, or video arcade  
12 facility; and

13 (2) attend psychological counseling sessions for sex  
14 offenders with an individual or organization which provides sex  
15 offender treatment or counseling as specified by or approved by the  
16 judge or the community supervision and corrections department  
17 officer supervising the defendant.

18 SECTION 4. Section 13B, Article 42.12, Code of Criminal  
19 Procedure, is amended by adding Subsection (i) to read as follows:

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

24 (1) community supervision and corrections department  
25 office;

26 (2) premises at which the defendant is participating  
27 in a program or activity:

1                   (A) required as a condition of community  
2 supervision; or

3                   (B) permitted or not prohibited as a condition of  
4 community supervision;

5                   (3) residential facility in which the defendant is  
6 required to reside as a condition of community supervision, if the  
7 facility was in operation as a residence for defendants on  
8 community supervision on June 1, 2003; or

9                   (4) private residence at which the defendant is  
10 required to reside as a condition of community supervision.

11           SECTION 5. (a) This Act takes effect September 1, 2003,  
12 and, except as provided by Subsection (b) of this section, applies  
13 only to a person placed on community supervision or released on  
14 parole or mandatory supervision on or after that date.

15           (b) A court or a parole panel, as appropriate, on or after  
16 September 1, 2003, may modify a condition of community supervision,  
17 parole, or mandatory supervision to require that a person who  
18 before that date was placed on community supervision or released on  
19 parole or mandatory supervision maintain a distance of 1,000 feet  
20 of a premises where children commonly gather.