

By: Farrar

H.B. No. 477

A BILL TO BE ENTITLED

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AN ACT

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

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

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

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

(1) not:

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

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

(2) attend for a period of time determined necessary 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 required as a condition of release;

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

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

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

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

27 (1) not:

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

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

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

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

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

21 (1) community supervision and corrections department
22 office;

23 (2) premises at which the defendant is participating
24 in a program or activity required as a condition of community
25 supervision;

26 (3) residential facility in which the defendant is
27 required to reside as a condition of community supervision, if the

1 facility was in operation as a residence for defendants on
2 community supervision on June 1, 2003; or

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

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

9 (b) A court or a parole panel, as appropriate, on or after
10 September 1, 2003, may modify a condition of community supervision,
11 parole, or mandatory supervision to require that a person who
12 before that date was placed on community supervision or released on
13 parole or mandatory supervision maintain a distance of 1,000 feet
14 of a premises where children commonly gather.