

By: Gallegos

S.B. No. 393

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the location of certain sex offenders and to notice reflecting that location.

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

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

(i)(1) In addition to requiring the conditions described by Subsection (e), a judge granting community supervision to a defendant required to register as a sex offender under Chapter 62 shall prohibit the defendant, without the express, written permission of the community supervision and corrections department officer supervising the defendant, from residing:

(A) in the same dwelling, mobile home park, apartment complex, or other lodging as another person the defendant knows is required to register as a sex offender under Chapter 62; or

(B) within 1,500 feet of another person the defendant knows is required to register as a sex offender under Chapter 62.

(2) For the purposes of this subsection, a defendant is presumed to know another person is required to register as a sex offender if the community supervision and corrections department officer supervising the defendant notifies the defendant of that fact.

(3) Notwithstanding Subdivision (1), a prohibition

1 regarding the defendant's residence under that subdivision does not
2 apply to a residential facility or private residence where the
3 defendant is required by the judge to reside as a condition of
4 community supervision.

5 (4) In this subsection:

6 (A) "Apartment complex" means two or more
7 dwellings in one or more buildings that are owned by the same owner,
8 located on the same lot or tract, and managed by the same owner,
9 agent, or management company.

10 (B) "Mobile home park" means a place, divided
11 into sites, at which the primary business is the rental or leasing
12 of the sites to persons for use in occupying mobile homes as
13 dwellings.

14 SECTION 2. Section 13B(a), Article 42.12, Code of Criminal
15 Procedure, is amended to read as follows:

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

22 (1) not:

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

27 (B) go in, on, or within 1,000 feet [~~a distance~~

1 ~~specified by the judge]~~ of a premises where children commonly
2 gather, including a school, day-care facility, playground, public
3 or private youth center, public swimming pool, or video arcade
4 facility; and

5 (2) attend psychological counseling sessions for sex
6 offenders with an individual or organization which provides sex
7 offender treatment or counseling as specified by or approved by the
8 judge or the community supervision and corrections department
9 officer supervising the defendant.

10 SECTION 3. Section 13B, Article 42.12, Code of Criminal
11 Procedure, is amended by adding Subsection (i) to read as follows:

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

16 (1) community supervision and corrections department
17 office;

18 (2) premises at which the defendant is participating
19 in a program or activity required as a condition of community
20 supervision;

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

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

27 SECTION 4. Article 62.08, Code of Criminal Procedure, is

1 amended by adding Subsection (h) to read as follows:

2 (h) The department shall provide notice of the residential
3 address of any person required to register under this chapter to
4 each state senator and state representative who represents an area
5 in which the person resides. The department shall also provide the
6 notice to the head of the governing body of the county, school
7 district, and, if applicable, municipality in which the person
8 resides. The department shall provide the notice required by this
9 subsection as the applicable address information becomes available
10 through the person's registration or verification of registration.

11 SECTION 5. Subchapter F, Chapter 508, Government Code, is
12 amended by adding Section 508.1861 to read as follows:

13 Sec. 508.1861. SEX OFFENDER RESIDENCES. (a) In addition to
14 requiring the conditions described by Section 508.186, a parole
15 panel shall require as a condition of parole or mandatory
16 supervision that, without the express, written permission of the
17 parole officer supervising the releasee, a releasee required to
18 register as a sex offender under Chapter 62, Code of Criminal
19 Procedure, not reside:

20 (1) in the same dwelling, mobile home park, apartment
21 complex, or other lodging as another person the releasee knows is
22 required to register as a sex offender under Chapter 62, Code of
23 Criminal Procedure; or

24 (2) within 1,500 feet of another person the releasee
25 knows is required to register as a sex offender under Chapter 62,
26 Code of Criminal Procedure.

27 (b) For the purposes of this section, a releasee is presumed

1 to know another person is required to register as a sex offender if
2 the parole officer supervising the defendant notifies the defendant
3 of that fact.

4 (c) Notwithstanding Subsection (a), a requirement regarding
5 the releasee's residence under that subsection does not apply to a
6 residential facility or private residence where the releasee is
7 required by the parole panel to reside as a condition of parole or
8 mandatory supervision.

9 (d) In this section:

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

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

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

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

24 (1) not:

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

1 cultural activities; or

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

7 (2) attend for a period of time determined necessary
8 by the panel psychological counseling sessions for sex offenders
9 with an individual or organization that provides sex offender
10 treatment or counseling as specified by the parole officer
11 supervising the releasee after release.

12 SECTION 7. Section 508.187, Government Code, is amended by
13 adding Subsection (g) to read as follows:

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

18 (1) parole office;

19 (2) premises at which the releasee is participating in
20 a program or activity required as a condition of release;

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

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

27 SECTION 8. (a) If conditions of community supervision or

1 release on parole or mandatory supervision imposed before the
2 effective date of this Act do not prohibit a sex offender under the
3 supervision of the court or a parole panel from residing in
4 proximity to another registered sex offender or from entering a
5 child safety zone of 1,000 feet, the court or parole panel, as
6 appropriate, shall modify the conditions of supervision or parole
7 as applicable to impose those prohibitions.

8 (b) The Department of Public Safety of the State of Texas
9 shall establish the procedure required by Article 62.08(h), Code of
10 Criminal Procedure, as added by this Act, not later than October 1,
11 2003.

12 (c) The change in law made by this Act applies to a person
13 subject to registration under Chapter 62, Code of Criminal
14 Procedure, for an offense or conduct that was committed before, on,
15 or after the effective date of this Act.

16 SECTION 9. This Act takes effect September 1, 2003.