

By: Shapleigh

S.B. No. 1054

A BILL TO BE ENTITLED

AN ACT

relating to presentence investigation and postsentence treatment and supervision of certain sex offenders.

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

SECTION 1. Article 42.12, Code of Criminal Procedure, is amended by adding Section 9A to read as follows:

Sec. 9A. SEX OFFENDERS: PRESENTENCE INVESTIGATION AND POSTSENTENCE TREATMENT AND SUPERVISION. (a) In this section:

(1) "Council" means the Council on Sex Offender Treatment.

(2) "Sex offender" means a person who has been convicted or has entered a plea of guilty or nolo contendere for an offense under any one of the following provisions of the Penal Code:

(A) Section 20.04(a)(4) (Aggravated Kidnapping), if the person committed the offense with the intent to violate or abuse the victim sexually;

(B) Section 21.08 (Indecent Exposure);

(C) Section 21.11 (Indecency with a Child);

(D) Section 22.011 (Sexual Assault);

(E) Section 22.021 (Aggravated Sexual Assault);

(F) Section 25.02 (Prohibited Sexual Conduct);

(G) Section 30.02 (Burglary), if:

(i) the offense is punishable under Subsection (d) of that section; and

1 (ii) the person committed the offense with
2 the intent to commit a felony listed in this subsection;

3 (H) Section 43.25 (Sexual Performance by a
4 Child); or

5 (I) Section 43.26 (Possession or Promotion of
6 Child Pornography).

7 (b) If the defendant is a sex offender, a supervision
8 officer may release information in a presentence or postsentence
9 report concerning the social and criminal history of the defendant
10 to a person who:

11 (1) is licensed or certified in this state to provide
12 mental health or medical services, including a:

13 (A) physician;

14 (B) psychiatrist;

15 (C) psychologist;

16 (D) licensed professional counselor;

17 (E) licensed marriage and family therapist; or

18 (F) certified social worker; and

19 (2) provides mental health or medical services for the
20 rehabilitation of the defendant.

21 (c) If the defendant is a sex offender, the judge shall
22 direct a supervision officer approved by the community supervision
23 and corrections department or the judge or a person, program, or
24 other agency approved by the council to evaluate the
25 appropriateness of, and a course of conduct necessary for,
26 treatment, specialized supervision, or rehabilitation of the
27 defendant and to report the results of the evaluation to the judge.

1 The judge may require the evaluation to use offense-specific
2 standards of practice adopted by the council and may require the
3 report to reflect those standards. The evaluation shall be made
4 after conviction and before the entry of a final judgment or, if
5 requested by the defendant, after arrest and before conviction.

6 SECTION 2. Section 11, Article 42.12, Code of Criminal
7 Procedure, is amended by adding Subsection (i) to read as follows:

8 (i) A judge who grants community supervision to a sex
9 offender evaluated under Section 9A may require the sex offender as
10 a condition of community supervision to submit to treatment,
11 specialized supervision, or rehabilitation according to
12 offense-specific standards of practice adopted by the Council on
13 Sex Offender Treatment. On a finding that the defendant is
14 financially able to make payment, the judge shall require the
15 defendant to pay all or part of the reasonable and necessary costs
16 of the treatment, supervision, or rehabilitation.

17 SECTION 3. The heading to Section 14, Article 42.12, Code of
18 Criminal Procedure, as amended by Chapter 165, Acts of the 73rd
19 Legislature, Regular Session, 1993, and Chapter 910, Acts of the
20 76th Legislature, Regular Session, 1999, is amended to read as
21 follows:

22 Sec. 14. CHILD ABUSERS[~~, SEX OFFENDERS,~~] AND FAMILY
23 VIOLENCE OFFENDERS; SPECIAL CONDITIONS.

24 SECTION 4. Subsections (l) and (m), Section 9, Article
25 42.12, Code of Criminal Procedure, are repealed.

26 SECTION 5. Subsection (b), Section 14, Article 42.12, Code
27 of Criminal Procedure, as amended by Chapter 165, Acts of the 73rd

1 Legislature, Regular Session, 1993, and Chapter 910, Acts of the
2 76th Legislature, Regular Session, 1999, is repealed.

3 SECTION 6. The change in law made by this Act to Article
4 42.12, Code of Criminal Procedure, applies only to a defendant
5 charged with or convicted of an offense committed on or after the
6 effective date of this Act. For the purposes of this section, an
7 offense is committed before the effective date of this Act if any
8 element of the offense occurs before that date. A defendant charged
9 with or convicted of an offense committed before the effective date
10 of this Act is covered by the law in effect when the offense was
11 committed, and the former law is continued in effect for this
12 purpose.

13 SECTION 7. This Act takes effect September 1, 2003.