

1-1 By: Shapleigh S.B. No. 1054
1-2 (In the Senate - Filed March 7, 2003; March 17, 2003, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 16, 2003, reported favorably by the following vote: Yeas 4,
1-5 Nays 0; April 16, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to presentence investigation and postsentence treatment
1-9 and supervision of certain sex offenders.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article 42.12, Code of Criminal Procedure, is
1-12 amended by adding Section 9A to read as follows:

1-13 Sec. 9A. SEX OFFENDERS: PRESENTENCE INVESTIGATION AND
1-14 POSTSENTENCE TREATMENT AND SUPERVISION. (a) In this section:

1-15 (1) "Council" means the Council on Sex Offender
1-16 Treatment.

1-17 (2) "Sex offender" means a person who has been
1-18 convicted or has entered a plea of guilty or nolo contendere for an
1-19 offense under any one of the following provisions of the Penal Code:

1-20 (A) Section 20.04(a)(4) (Aggravated Kidnapping),
1-21 if the person committed the offense with the intent to violate or
1-22 abuse the victim sexually;

1-23 (B) Section 21.08 (Indecent Exposure);

1-24 (C) Section 21.11 (Indecency with a Child);

1-25 (D) Section 22.011 (Sexual Assault);

1-26 (E) Section 22.021 (Aggravated Sexual Assault);

1-27 (F) Section 25.02 (Prohibited Sexual Conduct);

1-28 (G) Section 30.02 (Burglary), if:

1-29 (i) the offense is punishable under
1-30 Subsection (d) of that section; and

1-31 (ii) the person committed the offense with
1-32 the intent to commit a felony listed in this subsection;

1-33 (H) Section 43.25 (Sexual Performance by a
1-34 Child); or

1-35 (I) Section 43.26 (Possession or Promotion of
1-36 Child Pornography).

1-37 (b) If the defendant is a sex offender, a supervision
1-38 officer may release information in a presentence or postsentence
1-39 report concerning the social and criminal history of the defendant
1-40 to a person who:

1-41 (1) is licensed or certified in this state to provide
1-42 mental health or medical services, including a:

1-43 (A) physician;

1-44 (B) psychiatrist;

1-45 (C) psychologist;

1-46 (D) licensed professional counselor;

1-47 (E) licensed marriage and family therapist; or

1-48 (F) certified social worker; and

1-49 (2) provides mental health or medical services for the
1-50 rehabilitation of the defendant.

1-51 (c) If the defendant is a sex offender, the judge shall
1-52 direct a supervision officer approved by the community supervision
1-53 and corrections department or the judge or a person, program, or
1-54 other agency approved by the council to evaluate the
1-55 appropriateness of, and a course of conduct necessary for,
1-56 treatment, specialized supervision, or rehabilitation of the
1-57 defendant and to report the results of the evaluation to the judge.
1-58 The judge may require the evaluation to use offense-specific
1-59 standards of practice adopted by the council and may require the
1-60 report to reflect those standards. The evaluation shall be made
1-61 after conviction and before the entry of a final judgment or, if
1-62 requested by the defendant, after arrest and before conviction.

1-63 SECTION 2. Section 11, Article 42.12, Code of Criminal
1-64 Procedure, is amended by adding Subsection (i) to read as follows:

2-1 (i) A judge who grants community supervision to a sex
2-2 offender evaluated under Section 9A may require the sex offender as
2-3 a condition of community supervision to submit to treatment,
2-4 specialized supervision, or rehabilitation according to
2-5 offense-specific standards of practice adopted by the Council on
2-6 Sex Offender Treatment. On a finding that the defendant is
2-7 financially able to make payment, the judge shall require the
2-8 defendant to pay all or part of the reasonable and necessary costs
2-9 of the treatment, supervision, or rehabilitation.

2-10 SECTION 3. The heading to Section 14, Article 42.12, Code of
2-11 Criminal Procedure, as amended by Chapter 165, Acts of the 73rd
2-12 Legislature, Regular Session, 1993, and Chapter 910, Acts of the
2-13 76th Legislature, Regular Session, 1999, is amended to read as
2-14 follows:

2-15 Sec. 14. CHILD ABUSERS[~~SEX OFFENDERS~~] AND FAMILY
2-16 VIOLENCE OFFENDERS; SPECIAL CONDITIONS.

2-17 SECTION 4. Subsections (l) and (m), Section 9, Article
2-18 42.12, Code of Criminal Procedure, are repealed.

2-19 SECTION 5. Subsection (b), Section 14, Article 42.12, Code
2-20 of Criminal Procedure, as amended by Chapter 165, Acts of the 73rd
2-21 Legislature, Regular Session, 1993, and Chapter 910, Acts of the
2-22 76th Legislature, Regular Session, 1999, is repealed.

2-23 SECTION 6. The change in law made by this Act to Article
2-24 42.12, Code of Criminal Procedure, applies only to a defendant
2-25 charged with or convicted of an offense committed on or after the
2-26 effective date of this Act. For the purposes of this section, an
2-27 offense is committed before the effective date of this Act if any
2-28 element of the offense occurs before that date. A defendant charged
2-29 with or convicted of an offense committed before the effective date
2-30 of this Act is covered by the law in effect when the offense was
2-31 committed, and the former law is continued in effect for this
2-32 purpose.

2-33 SECTION 7. This Act takes effect September 1, 2003.

2-34 * * * * *