

By: Wong

H.B. No. 1828

A BILL TO BE ENTITLED

1 AN ACT

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

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

6 SECTION 1. Section 508.187, Government Code, is amended by  
7 amending Subsections (b) and (e) and adding Subsection (d-1) to  
8 read as follows:

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

14 (1) not:

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

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

24 (2) attend for a period of time determined necessary

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

5 (d-1) A parole panel may not modify a releasee's conditions  
6 of release under Subsection (b)(1) to grant a general exemption  
7 from child safety zone requirements. The parole panel must specify  
8 locations at which the child safety zone requirements do not apply  
9 to the releasee, and before modifying the conditions notify each  
10 principal of a school or director of a facility within that location  
11 of the date on which the modification takes effect.

12 (e) A parole officer supervising a releasee may permit the  
13 releasee to enter on an event-by-event basis into the child safety  
14 zone that the releasee is otherwise prohibited from entering if:

15 (1) the releasee has served at least two years of the  
16 period of supervision imposed on release;

17 (2) the releasee enters the zone as part of a program  
18 to reunite with the releasee's family;

19 (3) the releasee presents to the parole officer a  
20 written proposal specifying:

21 (A) where the releasee intends to go within the  
22 zone;

23 (B) why and with whom the releasee is going; and

24 (C) how the releasee intends to cope with any  
25 stressful situations that occur;

26 (4) the sex offender treatment provider treating the  
27 releasee agrees with the officer that the releasee should be

1 allowed to attend the event; [~~and~~]

2 (5) the officer and the treatment provider agree on a  
3 chaperon to accompany the releasee, and the chaperon agrees to  
4 perform that duty; and

5 (6) the officer notifies the principal of any school  
6 and the directors of all applicable facilities in the zone at least  
7 24 hours in advance of the time at which the releasee will enter the  
8 zone and specifies the approximate time at which the releasee will  
9 leave the zone.

10 SECTION 2. The change in law made by this Act applies to a  
11 releasee for whom a child safety zone is required to be established  
12 under Section 508.187, Government Code, as amended by this Act,  
13 regardless of whether the child safety zone was established before,  
14 on, or after the effective date of this Act. If before the  
15 effective date of this Act a parole panel under Section 508.187(d),  
16 Government Code, granted a releasee a general exemption from the  
17 application of child safety zone requirements, the panel shall  
18 modify the releasee's conditions of release to conform to Section  
19 508.187(d-1), Government Code, as added by this Act.

20 SECTION 3. This Act takes effect September 1, 2005.