

By: Menendez

H.B. No. 203

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting certain sex offenders from residing within a child safety zone.

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

SECTION 1. Section 13B(a), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

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

(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 of a premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, public park, or video arcade facility; or

(C) reside within 2,000 feet of a premises described by Paragraph (B), as measured in a straight line from the nearest property line of the residence to the premises; and

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

6 SECTION 2. Section 508.187(b), Government Code, is amended
7 to read as follows:

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

13 (1) not:

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

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

23 (C) reside within 2,000 feet of a premises
24 described by Paragraph (B), as measured in a straight line from the
25 nearest property line of the residence to the premises; and

26 (2) attend for a period of time determined necessary
27 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 3. (a) If conditions of community supervision or
5 release on parole or mandatory supervision imposed before the
6 effective date of this Act do not prohibit a defendant described by
7 Section 13B(b), Article 42.12, Code of Criminal Procedure, or a
8 releasee described by Section 508.187(a), Government Code, as
9 applicable, from residing within the child safety zone established
10 by this Act, the court or parole panel, as appropriate, shall modify
11 the conditions of supervision or parole as applicable to impose
12 those prohibitions.

13 (b) The change in law made by this Act applies to a person
14 who is placed on community supervision or released on parole or
15 mandatory supervision before, on, or after the effective date of
16 this Act.

17 SECTION 4. This Act takes effect September 1, 2007.