

By: Pierson

H.B. No. 3009

A BILL TO BE ENTITLED

AN ACT

relating to supervising, monitoring, and restricting the location of certain sex offenders.

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

SECTION 1. Subchapter B, Chapter 62, Code of Criminal Procedure, is amended by adding Articles 62.063 and 62.064 to read as follows:

Art. 62.063. MONITORING OF CERTAIN HIGH-RISK REGISTRANTS.

(a) In this article, "monitoring system program" means an electronic monitoring service, global positioning satellite service, or other appropriate technological service that is designed to track a person's location.

(b) This article applies only to a person who is released from a penal institution, who is required to register under this chapter as the result of a reportable conviction or adjudication, and who:

(1) is not under the supervision and control of:

(A) a juvenile probation office or an agency or entity operating under contract with a juvenile probation office;

(B) the Texas Youth Commission;

(C) a community supervision and corrections department; or

(D) the parole division of the Texas Department of Criminal Justice; or

1 (2) has not been civilly committed under Chapter 841,
2 Health and Safety Code.

3 (c) A person described by Subsection (b) who, under Section
4 62.053, is assigned a numeric risk level of three shall participate
5 in the monitoring system program operated by the department under
6 Subsection (d). A person's duty to participate in the program
7 expires on the third anniversary of the date the person is released
8 from the penal institution.

9 (d) The department shall implement and operate a monitoring
10 system program that tracks the location of persons described by
11 Subsection (b) and uses, to the fullest extent possible, technology
12 with the capabilities described by Subsection (e). The department
13 may consult with any state agency, political subdivision of this
14 state, or agency of a political subdivision of this state in
15 implementing, operating, and maintaining the program.

16 (e) A monitoring system that is part of the monitoring
17 system program operated by the department under Subsection (d) must
18 periodically provide a cumulative report of a tracked person's
19 location to the department. The monitoring system must also be
20 capable of tracking a person's location in real time, providing a
21 real-time report of a tracked person's location to the department,
22 and alerting the department in real time that a tracked person has
23 entered or come within a specified number of feet of any premises or
24 type of premises the tracked person is prohibited from going within
25 or entering.

26 (f) A person who is not indigent and who is required to
27 participate in the monitoring system program operated under

1 Subsection (d) is responsible for the cost of the monitoring system
2 and monthly shall pay to the department the amount that the
3 department determines is necessary to defray the cost of operating
4 the system with respect to the person during the previous month.

5 (g) The director of the department shall adopt rules as
6 necessary to implement, operate, and maintain the monitoring system
7 program operated under Subsection (d).

8 Art. 62.064. PROHIBITED LOCATIONS. (a) This article
9 applies only to a person who is:

10 (1) required to register under this chapter because of
11 one or more reportable convictions or adjudications that are based
12 on an offense or conduct a victim or intended victim of which was
13 younger than 17 years of age at the time the offense or conduct
14 occurred; and

15 (2) not enrolled as a student at a public or private
16 primary or secondary school.

17 (b) A person described by Subsection (a) may not go in, on,
18 or within 1,000 feet of a premises described by Section
19 13B(a)(1)(B), Article 42.12.

20 SECTION 2. The heading to Section 508.187, Government Code,
21 is amended to read as follows:

22 Sec. 508.187. CHILD SAFETY ZONE; TRACKING SERVICE.

23 SECTION 3. Section 508.187, Government Code, is amended by
24 adding Subsections (g) and (h) to read as follows:

25 (g) A parole panel shall require as a condition of parole or
26 mandatory supervision that a releasee described by Subsection (a)
27 who is assigned a numeric risk level of three under Article 62.053,

1 Code of Criminal Procedure, and was convicted of an offense the
2 victim of which was a child as defined by Section 22.011(c), Penal
3 Code:

4 (1) submit to tracking under an electronic monitoring
5 service, global positioning satellite service, or other
6 appropriate technological service designed to track a person's
7 location;

8 (2) refrain from tampering with, altering, modifying,
9 obstructing, or manipulating any equipment used by the service to
10 which the releasee is required to submit under Subdivision (1); and

11 (3) unless the parole panel determines the releasee is
12 indigent, pay periodically to the department an amount equal to the
13 cost the department incurs during each period in tracking the
14 releasee under Subdivision (1).

15 (h) A tracking service to which a releasee is required to
16 submit under Subsection (g) must:

17 (1) track the releasee's location in real time;

18 (2) be able to provide a real-time report of the
19 releasee's location to the parole officer supervising the releasee;

20 (3) alert the department in real time that the
21 releasee has entered or come within a specified number of feet of
22 any premises or type of premises the releasee is prohibited from
23 going within or entering; and

24 (4) provide a cumulative report of the releasee's
25 locations during a specified period of time to the parole officer
26 supervising the releasee.

27 SECTION 4. (a) Article 62.063, Code of Criminal Procedure,

1 as added by this Act, applies only to a person who is released from a
2 penal institution on or after January 1, 2008. A person who is
3 released from a penal institution before January 1, 2008, is
4 governed by the law in effect at the time the person is released
5 from the penal institution, and the former law is continued in
6 effect for that purpose.

7 (b) The Department of Public Safety shall implement the
8 monitoring system program described by Article 62.063, Code of
9 Criminal Procedure, as added by this Act, so that the program is
10 fully functional not later than January 1, 2008.

11 (c) Article 62.064, Code of Criminal Procedure, as added by
12 this Act, applies to a person who is subject to registration under
13 Chapter 62, Code of Criminal Procedure, on or after the effective
14 date of this Act, regardless of whether the applicable offense or
15 conduct occurs before, on, or after the effective date of this Act.

16 (d) The changes in law made by this Act in amending Section
17 508.187, Government Code, apply only to a person who is released on
18 parole or mandatory supervision for an offense committed on or
19 after the effective date of this Act. A person who is released on
20 parole or mandatory supervision for an offense committed before the
21 effective date of this Act is governed by the law in effect at the
22 time the offense was committed, and the former law is continued in
23 effect for that purpose. For purposes of this section, an offense
24 was committed before the effective date of this Act if any element
25 of the offense was committed before that date.

26 SECTION 5. This Act takes effect September 1, 2007.