

By: Farrar

H.B. No. 816

A BILL TO BE ENTITLED

AN ACT

1
2 relating to conditions of community supervision, release on parole,
3 or release to mandatory supervision that restrict the proximity of
4 a sex offender's residence to another sex offender's residence.

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

6 SECTION 1. Section 11, Article 42.12, Code of Criminal
7 Procedure, is amended by adding Subsection (j) to read as follows:

8 (j)(1) In addition to requiring the conditions described by
9 Subsection (e) and, if applicable, Section 13B, a judge granting
10 community supervision to a defendant required to register as a sex
11 offender under Chapter 62 shall prohibit the defendant, without the
12 express, written permission of the community supervision and
13 corrections department officer supervising the defendant, from
14 residing in any dwelling, manufactured home community, apartment
15 complex, or other lodging in which the defendant knows that another
16 person required to register as a sex offender under Chapter 62 also
17 resides.

18 (2) For the purposes of this subsection, a defendant
19 is presumed to know that another person required to register as a
20 sex offender under Chapter 62 resides in a dwelling, manufactured
21 home community, apartment complex, or other lodging if the
22 community supervision and corrections department officer
23 supervising the defendant notifies the defendant of that fact.

24 (3) Notwithstanding Subdivision (1), a prohibition

1 regarding the defendant's residence under that subdivision does not
2 apply to a residential facility or private residence where the
3 defendant is required by the judge to reside as a condition of
4 community supervision.

5 (4) In this subsection:

6 (A) "Apartment complex" means one or more
7 buildings, any of which contains two or more dwellings, that are
8 owned by the same owner, located on the same lot or tract, and
9 managed by the same owner, agent, or management company.

10 (B) "Manufactured home community" means a place,
11 divided into sites, at which the primary business is the rental or
12 leasing of the sites to persons for use in occupying manufactured
13 homes as dwellings.

14 SECTION 2. Subchapter F, Chapter 508, Government Code, is
15 amended by adding Section 508.1861 to read as follows:

16 Sec. 508.1861. SEX OFFENDER RESIDENCES. (a) In addition to
17 requiring the conditions described by Section 508.186 and, if
18 applicable, Section 508.187, a parole panel shall require as a
19 condition of parole or mandatory supervision that, without the
20 express, written permission of the parole officer supervising the
21 releasee, a releasee required to register as a sex offender under
22 Chapter 62, Code of Criminal Procedure, not reside in any dwelling,
23 manufactured home community, apartment complex, or other lodging in
24 which the releasee knows that another person required to register
25 as a sex offender under Chapter 62, Code of Criminal Procedure, also
26 resides.

27 (b) For the purposes of this section, a releasee is presumed

1 to know that another person required to register as a sex offender
2 under Chapter 62, Code of Criminal Procedure, resides in a
3 dwelling, manufactured home community, apartment complex, or other
4 lodging if the parole officer supervising the releasee notifies the
5 releasee of that fact.

6 (c) Notwithstanding Subsection (a), a requirement regarding
7 the releasee's residence under that subsection does not apply to a
8 residential facility or private residence where the releasee is
9 required by the parole panel to reside as a condition of parole or
10 mandatory supervision.

11 (d) In this section:

12 (1) "Apartment complex" means one or more buildings,
13 any of which contains two or more dwellings, that are owned by the
14 same owner, located on the same lot or tract, and managed by the
15 same owner, agent, or management company.

16 (2) "Manufactured home community" means a place,
17 divided into sites, at which the primary business is the rental or
18 leasing of the sites to persons for use in occupying manufactured
19 homes as dwellings.

20 SECTION 3. (a) If conditions of community supervision or
21 release on parole or to mandatory supervision imposed before the
22 effective date of this Act do not prohibit a sex offender under the
23 supervision of the court or a parole panel from residing in
24 proximity to another registered sex offender, the court or parole
25 panel, as appropriate, shall modify the conditions of supervision
26 or parole as applicable to impose those prohibitions.

27 (b) The change in law made by this Act applies to a person

1 subject to registration under Chapter 62, Code of Criminal
2 Procedure, for an offense or conduct that was committed before, on,
3 or after the effective date of this Act.

4 SECTION 4. This Act takes effect September 1, 2009.