

By: Martinez Fischer

H.B. No. 2760

A BILL TO BE ENTITLED

AN ACT

relating to electronic monitoring as a condition of community supervision and parole for certain sex offenders.

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

SECTION 1. Article 42.12, Code of Criminal Procedure, is amended by adding Section 13E to read as follows:

Sec. 13E. ELECTRONIC MONITORING FOR CERTAIN SEX OFFENDERS.

(a) If a judge grants community supervision to a defendant required to register as a sex offender under Chapter 62, the judge shall require the defendant as a condition of community supervision to:

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

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

(3) unless the judge determines the defendant is indigent, pay periodically to the community supervision and corrections department supervising the defendant a fee in an amount equal to the cost the department incurs during each period in tracking the person under Subdivision (1).

(b) A tracking service to which a defendant is required to

1 submit under Subsection (a) must:

2 (1) track the defendant's location in real time;

3 (2) be able to provide a real-time report of the
4 defendant's location to the community supervision and corrections
5 department officer supervising the defendant; and

6 (3) provide a cumulative report of the defendant's
7 locations during a specified period of time to the community
8 supervision and corrections department officer supervising the
9 defendant.

10 SECTION 2. Subchapter F, Chapter 508, Government Code, is
11 amended by adding Section 508.1865 to read as follows:

12 Sec. 508.1865. ELECTRONIC MONITORING FOR CERTAIN SEX
13 OFFENDERS. (a) A parole panel shall require as a condition of
14 parole or mandatory supervision that a releasee required to
15 register as a sex offender under Chapter 62, Code of Criminal
16 Procedure:

17 (1) submit to tracking under an electronic monitoring
18 service, global positioning satellite service, or other
19 appropriate technological service designed to track a person's
20 location;

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

24 (3) unless the parole panel determines the releasee is
25 indigent, pay periodically to the department an amount equal to the
26 cost the department incurs during each period in tracking the
27 releasee under Subdivision (1).

1 (b) A tracking service to which a releasee is required to
2 submit under Subsection (a) must:

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

4 (2) be able to provide a real-time report of the
5 releasee's location to the parole officer supervising the releasee;
6 and

7 (3) provide a cumulative report of the releasee's
8 locations during a specified period of time to the parole officer
9 supervising the releasee.

10 SECTION 3. The changes in law made by this Act in adding
11 Section 13E, Article 42.12, Code of Criminal Procedure, and
12 Section 508.1865, Government Code, apply only to a person who is
13 placed on community supervision or released on parole or to
14 mandatory supervision for an offense committed on or after
15 September 1, 2009. A person who is placed on community supervision
16 or released on parole or to mandatory supervision for an offense
17 committed before September 1, 2009, is governed by the law in effect
18 at the time the offense was committed, and the former law is
19 continued in effect for that purpose. For purposes of this section,
20 an offense was committed before September 1, 2009, if any element of
21 the offense was committed before that date.

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