

By: Gallegos

S.B. No. 2359

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the location of certain sex offenders
and to notice reflecting that location.

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

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

(j)(1) In addition to requiring the conditions described by
Subsection (e), a judge granting community supervision to a
defendant required to register as a sex offender under Chapter 62
shall prohibit the defendant, without the express, written
permission of the community supervision and corrections department
officer supervising the defendant, from residing:

(A) in the same dwelling, mobile home park,
apartment complex, or other lodging as another person the defendant
knows is required to register as a sex offender under Chapter 62; or

(B) within 1,500 feet of another person the
defendant knows is required to register as a sex offender under
Chapter 62.

(2) For the purposes of this subsection, a defendant
is presumed to know another person is required to register as a sex
offender under Chapter 62 if the community supervision and
corrections department officer supervising the defendant notifies
the defendant of that fact.

(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 two or more
7 dwellings in one or more buildings that are owned by the same owner,
8 located on the same lot or tract, and managed by the same owner,
9 agent, or management company.

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

14 SECTION 2. Subchapter B, Chapter 62, Code of Criminal
15 Procedure, is amended by adding Article 62.063 to read as follows:

16 Art. 62.063. NOTICE TO CERTAIN PUBLIC OFFICIALS OF SEX
17 OFFENDER'S ADDRESS. The department shall provide notice of the
18 residential address of any person required to register under this
19 chapter to each state senator and state representative who
20 represents an area in which the person resides. The department
21 shall also provide the notice to the head of the governing body of
22 the county, school district, and, if applicable, municipality in
23 which the person resides. The department shall provide the notice
24 required by this article as the applicable address information
25 becomes available through the person's registration or
26 verification of registration.

27 SECTION 3. Subchapter F, Chapter 508, Government Code, is

1 amended by adding Section 508.1861 to read as follows:

2 Sec. 508.1861. SEX OFFENDER RESIDENCES. (a) In addition to
3 requiring the conditions described by Section 508.186, a parole
4 panel shall require as a condition of parole or mandatory
5 supervision that, without the express, written permission of the
6 parole officer supervising the releasee, a releasee required to
7 register as a sex offender under Chapter 62, Code of Criminal
8 Procedure, not reside:

9 (1) in the same dwelling, mobile home park, apartment
10 complex, or other lodging as another person the releasee knows is
11 required to register as a sex offender under Chapter 62, Code of
12 Criminal Procedure; or

13 (2) within 1,500 feet of another person the releasee
14 knows is required to register as a sex offender under Chapter 62,
15 Code of Criminal Procedure.

16 (b) For the purposes of this section, a releasee is presumed
17 to know another person is required to register as a sex offender
18 under Chapter 62, Code of Criminal Procedure, if the parole officer
19 supervising the releasee notifies the releasee of that fact.

20 (c) Notwithstanding Subsection (a), a requirement regarding
21 the releasee's residence under that subsection does not apply to a
22 residential facility or private residence where the releasee is
23 required by the parole panel to reside as a condition of parole or
24 mandatory supervision.

25 (d) In this section:

26 (1) "Apartment complex" means two or more dwellings in
27 one or more buildings that are owned by the same owner, located on

1 the same lot or tract, and managed by the same owner, agent, or
2 management company.

3 (2) "Mobile home park" means a place, divided into
4 sites, at which the primary business is the rental or leasing of the
5 sites to persons for use in occupying mobile homes as dwellings.

6 SECTION 4. 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 1,000 feet [~~a distance~~
19 ~~specified by the panel~~] of premises where children commonly gather,
20 including a school, day-care facility, playground, public or
21 private youth center, public swimming pool, or video arcade
22 facility; and

23 (2) attend for a period of time determined necessary
24 by the panel psychological counseling sessions for sex offenders
25 with an individual or organization that provides sex offender
26 treatment or counseling as specified by the parole officer
27 supervising the releasee after release.

1 SECTION 5. Section 508.187, Government Code, is amended by
2 adding Subsection (g) to read as follows:

3 (g) Notwithstanding Subsection (b)(1)(B), a parole panel
4 requirement that a releasee not go in, on, or within 1,000 feet of
5 certain premises does not apply to a releasee while the releasee is
6 in or going immediately to or from a:

7 (1) parole office;

8 (2) premises at which the releasee is participating in
9 a program or activity required as a condition of release;

10 (3) halfway house or community residential facility in
11 which the releasee is required to reside as a condition of release,
12 if the halfway house or facility was in operation as a residence for
13 releasees on June 1, 2009; or

14 (4) private residence in which the releasee is
15 required to reside as a condition of release.

16 SECTION 6. (a) If conditions of community supervision or
17 release on parole or mandatory supervision imposed before the
18 effective date of this Act do not prohibit a sex offender under the
19 supervision of the court or a parole panel from residing in
20 proximity to another registered sex offender or from entering a
21 child safety zone of 1,000 feet, the court or parole panel, as
22 appropriate, shall modify the conditions of supervision or parole
23 as applicable to impose those prohibitions.

24 (b) The Department of Public Safety of the State of Texas
25 shall establish the notification procedure required by Article
26 62.063, Code of Criminal Procedure, as added by this Act, not later
27 than October 1, 2009.

1 (c) The change in law made by this Act applies to a person
2 subject to registration under Chapter 62, Code of Criminal
3 Procedure, for an offense or conduct that was committed before, on,
4 or after the effective date of this Act.

5 SECTION 7. This Act takes effect September 1, 2009.