

By: Davis of Dallas

H.B. No. 3525

A BILL TO BE ENTITLED

1 AN ACT
2 relating to mandatory conditions of community supervision for a
3 person placed on community supervision for certain sexual offenses
4 committed against a child.

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

6 SECTION 1. Sections 13B(a), (b), and (d), Article 42.12,
7 Code of Criminal Procedure, are amended to read as follows:

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

14 (1) not:

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

19 (B) go in, on, or within 1,000 feet of a premises
20 where children commonly gather, including a school, day-care
21 facility, playground, public or private youth center, public
22 swimming pool, or video arcade facility; or

23 (C) apply for or hold an educator certificate;

24 [~~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; and

6 (3) surrender to the State Board for Educator
7 Certification any educator certificate held by the defendant.

8 (b) This section applies to a defendant placed on community
9 supervision for an offense:

10 (1) under Section 43.25 or 43.26, Penal Code;

11 (2) under Section 21.08, 21.11, 21.12, 22.011, 22.021,
12 or 25.02, Penal Code;

13 (3) under Section 20.04(a)(4), Penal Code, if the
14 defendant committed the offense with the intent to violate or abuse
15 the victim sexually; or

16 (4) under Section 30.02, Penal Code, punishable under
17 Subsection (d) of that section, if the defendant committed the
18 offense with the intent to commit a felony listed in Subdivision (2)
19 or (3) of this subsection.

20 (d) Notwithstanding Subsection (a) [~~(a)(1)~~], a judge is not
21 required to impose the conditions described by:

22 (1) Subsection (a)(1), if the defendant is a student
23 at a primary or secondary school; or

24 (2) Subsection (a)(1) or (2), if the defendant has
25 been placed on community supervision for an offense under Section
26 21.12, Penal Code.

27 SECTION 2. The change in law made by this Act applies only

1 to an offense committed on or after the effective date of this Act.
2 An offense committed before the effective date of this Act is
3 governed by the law in effect on the date the offense was committed,
4 and the former law is continued in effect for that purpose. For
5 purposes of this section, an offense was committed before the
6 effective date of this Act if any element of the offense occurred
7 before that date.

8 SECTION 3. This Act takes effect September 1, 2011.