

By: Sheffield

H.B. No. 1064

A BILL TO BE ENTITLED

1 AN ACT
2 relating to prohibiting certain sex offenders from working or
3 residing within or otherwise going in, on, or within a certain
4 distance of premises where children commonly gather; providing a
5 penalty.

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

7 SECTION 1. Section 13B, Article 42.12, Code of Criminal
8 Procedure, is amended by amending Subsections (a) and (i) and
9 adding Subsections (j) and (k) to read as follows:

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

16 (1) not:

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

21 (B) work or reside within or go in, on, or within
22 [~~1,000 feet of~~] a child safety zone, as defined by Article 62.001
23 [~~premises where children commonly gather, including a school,~~
24 ~~day-care facility, playground, public or private youth center,~~

1 ~~public swimming pool, or video arcade facility]; and~~

2 (2) attend psychological counseling sessions for sex
3 offenders with an individual or organization which provides sex
4 offender treatment or counseling as specified by or approved by the
5 judge or the community supervision and corrections department
6 officer supervising the defendant.

7 (i) Notwithstanding Subsection (a)(1)(B), a requirement
8 that a defendant not work or reside within or go in, on, or within a
9 child safety zone [~~1,000 feet of certain premises~~] does not apply to
10 a defendant while the defendant is in or going immediately to or
11 from a:

12 (1) community supervision and corrections department
13 office;

14 (2) premises at which the defendant is participating
15 in a program or activity required as a condition of community
16 supervision;

17 (3) residential facility in which the defendant is
18 required to reside as a condition of community supervision, if the
19 facility was in operation as a residence for defendants on
20 community supervision on June 1, 2003; or

21 (4) private residence at which the defendant is
22 required to reside as a condition of community supervision.

23 (j) Notwithstanding Subsection (a)(1)(B), a defendant to
24 whom this article applies who resides within a child safety zone may
25 remain at the defendant's residence if:

26 (1) the defendant resided at the residence on
27 September 1, 2015; or

1 (2) the defendant is residing at the residence at the
2 time that a child safety zone is established for or extended to an
3 area that contains the residence.

4 (k) Subsections (e) and (f) do not apply to a defendant who
5 is required to register under Chapter 62 because of one or more
6 reportable convictions or adjudications for a sexually violent
7 offense involving a victim younger than 17 years of age.

8 SECTION 2. Article 62.001, Code of Criminal Procedure, is
9 amended by adding Subdivisions (13) and (14) to read as follows:

10 (13) "Child safety zone" means any area located within
11 1,000 feet from the nearest property line of a premises where
12 children commonly gather, including:

- 13 (A) a public or private school;
14 (B) a day-care or other child-care facility;
15 (C) a playground;
16 (D) a public or private youth center;
17 (E) a public or private youth soccer, football,
18 or baseball field;
19 (F) a crisis center or shelter;
20 (G) a skate park or skating rink;
21 (H) a movie theater;
22 (I) a bowling alley;
23 (J) a Boy Scout or Girl Scout facility;
24 (K) a location that regularly provides athletic,
25 civic, or cultural activities that include as participants persons
26 who are 17 years of age or younger;
27 (L) a child protective services facility;

1 (M) an indoor or outdoor amusement center or
2 amusement park;

3 (N) a carnival, circus, or fair;

4 (O) a public, commercial, or semiprivate
5 swimming pool;

6 (P) a public park;

7 (Q) a public library; or

8 (R) an amusement or video arcade facility.

9 (14) For purposes of Subdivision (13), "playground,"
10 "premises," "school," "video arcade facility," and "youth center"
11 have the meanings assigned by Section 481.134, Health and Safety
12 Code.

13 SECTION 3. Subchapter B, Chapter 62, Code of Criminal
14 Procedure, is amended by adding Article 62.064 to read as follows:

15 Art. 62.064. PROHIBITED LOCATIONS. (a) This article
16 applies only to a person who:

17 (1) is required to register under this chapter because
18 of one or more reportable convictions or adjudications for a
19 sexually violent offense involving a victim younger than 17 years
20 of age; and

21 (2) is not enrolled as a student at a public or private
22 primary or secondary school.

23 (b) A person described by Subsection (a) may not work or
24 reside within or go in, on, or within a child safety zone.

25 (c) Notwithstanding Subsection (b), a requirement that a
26 person not work or reside within or go in, on, or within a child
27 safety zone does not apply to a person on community supervision

1 while that person is in or going immediately to or from a:

2 (1) community supervision and corrections department
3 office;

4 (2) premises at which the person is participating in a
5 program or activity required as a condition of community
6 supervision;

7 (3) residential facility in which the person is
8 required to reside as a condition of community supervision, if the
9 facility was in operation as a residence for persons on community
10 supervision on June 1, 2003; or

11 (4) private residence at which the person is required
12 to reside as a condition of community supervision.

13 (d) Notwithstanding Subsection (b), a person to whom this
14 article applies who resides within a child safety zone may remain at
15 the person's residence if:

16 (1) the person resided at the residence on September
17 1, 2015; or

18 (2) the person is residing at the residence at the time
19 that the child safety zone is established for or extended to an area
20 that contains the residence.

21 SECTION 4. Article 62.102, Code of Criminal Procedure, is
22 amended by amending Subsection (b) and adding Subsection (b-1) to
23 read as follows:

24 (b) An offense under this article is:

25 (1) except as provided by Subsection (b-1), a state
26 jail felony if the actor is a person whose duty to register expires
27 under Article 62.101(b) or (c);

1 (2) a felony of the third degree if the actor is a
2 person whose duty to register expires under Article 62.101(a) and
3 who is required to verify registration once each year under Article
4 62.058; and

5 (3) a felony of the second degree if the actor is a
6 person whose duty to register expires under Article 62.101(a) and
7 who is required to verify registration once each 90-day period
8 under Article 62.058.

9 (b-1) An offense under this article is a felony of the third
10 degree if the requirement with which the actor fails to comply is
11 the requirement described by Article 62.064.

12 SECTION 5. Section 508.187, Government Code, is amended by
13 amending Subsection (b) and adding Subsections (g) and (h) to read
14 as follows:

15 (b) If a [A] parole panel ~~[shall establish a child safety~~
16 ~~zone applicable to a releasee if the panel]~~ determines that a child
17 as defined by Section 22.011(c), Penal Code, was the victim of the
18 offense, the panel shall require ~~[by requiring]~~ as a condition of
19 parole or mandatory supervision that the releasee:

20 (1) not:

21 (A) supervise or participate in any program that
22 includes as participants or recipients persons who are 17 years of
23 age or younger and that regularly provides athletic, civic, or
24 cultural activities; or

25 (B) work or reside within or go in, on, or within
26 a child safety zone, as defined by Article 62.001, Code of Criminal
27 Procedure ~~[distance specified by the panel of premises where~~

1 ~~children commonly gather, including a school, day-care facility,~~
2 ~~playground, public or private youth center, public swimming pool,~~
3 ~~or video arcade facility]; and~~

4 (2) attend for a period of time determined necessary
5 by the panel psychological counseling sessions for sex offenders
6 with an individual or organization that provides sex offender
7 treatment or counseling as specified by the parole officer
8 supervising the releasee after release.

9 (g) Notwithstanding Subsection (b)(1)(B), a releasee to
10 whom this section applies who resides within a child safety zone may
11 remain at the releasee's residence if:

12 (1) the releasee resided at the residence on September
13 1, 2015; or

14 (2) the releasee is residing at the residence at the
15 time that a child safety zone is established for or extended to an
16 area that contains the residence.

17 (h) Subsections (d) and (e) do not apply to a releasee who is
18 required to register under Chapter 62, Code of Criminal Procedure,
19 because of one or more reportable convictions or adjudications for
20 a sexually violent offense involving a victim younger than 17 years
21 of age.

22 SECTION 6. (a) If conditions of community supervision or
23 release on parole or mandatory supervision imposed before the
24 effective date of this Act do not prohibit a defendant described by
25 Section 13B(b), Article 42.12, Code of Criminal Procedure, or a
26 releasee described by Section 508.187(a), Government Code, as
27 applicable, from working or residing within the child safety zone

1 defined by Article 62.001(13), Code of Criminal Procedure, as added
2 by this Act, the court or parole panel, as appropriate, shall modify
3 the conditions of supervision or parole as applicable to impose
4 those prohibitions.

5 (b) The changes in law made by this Act in amending Section
6 13B(a), Article 42.12, Code of Criminal Procedure, and Section
7 508.187(b), Government Code, apply to a person who is placed on
8 community supervision or released on parole or mandatory
9 supervision before, on, or after the effective date of this Act.

10 (c) The changes in law made by this Act in amending Chapter
11 62, Code of Criminal Procedure, apply to a person who is subject to
12 registration under Chapter 62, Code of Criminal Procedure, on or
13 after the effective date of this Act, regardless of whether the
14 applicable offense or conduct occurs before, on, or after the
15 effective date of this Act.

16 SECTION 7. The following are repealed:

17 (1) Section 13B(h), Article 42.12, Code of Criminal
18 Procedure; and

19 (2) Section 508.187(f), Government Code.

20 SECTION 8. This Act takes effect September 1, 2015.