

By: Thompson of Harris

H.B. No. 1375

A BILL TO BE ENTITLED

AN ACT

1
2 relating to creating a defense to revocation of parole, mandatory
3 supervision, or community supervision for a person who travels
4 through a child safety zone.

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

6 SECTION 1. Section 21, Article 42.12, Code of Criminal
7 Procedure, is amended by adding Subsection (c-1) to read as
8 follows:

9 (c-1) In a hearing under this section at which it is alleged
10 only that, in violation of Section 13B(a), a defendant went within
11 1,000 feet of a premises where children commonly gather, it is an
12 affirmative defense to revocation that the defendant was within
13 that distance only while traveling directly en route between
14 locations the defendant was not prohibited from visiting. The
15 defendant must prove the affirmative defense by a preponderance of
16 the evidence.

17 SECTION 2. Section 508.281, Government Code, is amended by
18 adding Subsection (g) to read as follows:

19 (g) In a hearing under this section at which it is alleged
20 only that, in violation of Section 508.187(b) or 508.225(a), a
21 releasee went within a distance specified by a parole panel of a
22 premises where children commonly gather, it is an affirmative
23 defense to revocation that the releasee was within that distance
24 only while traveling directly en route between locations the

1 releasee was not prohibited from visiting. The releasee must prove
2 the affirmative defense by a preponderance of the evidence.

3 SECTION 3. The change in law made by this Act applies to a
4 person on parole, mandatory supervision, or community supervision
5 on or after the effective date of this Act, regardless of whether
6 the person was released on parole or to mandatory supervision or
7 placed on community supervision before, on, or after the effective
8 date of this Act.

9 SECTION 4. This Act takes effect September 1, 2015.