

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Thompson of Harris

H.B. No. 1111

A BILL TO BE ENTITLED

AN ACT

relating to the child safety zone applicable to a person released on parole or to mandatory supervision.

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

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

(b-1) Notwithstanding Subsection (b)(1)(B), a requirement that a releasee not go in, on, or within a distance specified by a parole panel of certain premises does not apply to a releasee while the releasee is in or going immediately to or from:

(1) a parole office;

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

(3) a residential facility in which the releasee is required to reside as a condition of release;

(4) a private residence in which the releasee is required to reside as a condition of release; or

(5) any other premises, facility, or location that is:

(A) designed to rehabilitate or reform the releasee; or

(B) authorized by the division as a premises, facility, or location where it is reasonable and necessary for the releasee to be present and at which the releasee has legitimate business, including a church, synagogue, or other established place

1 of religious worship, a workplace, a health care facility, or a  
2 location of a funeral.

3 SECTION 2. Section 508.225, Government Code, is amended by  
4 adding Subsection (a-1) to read as follows:

5 (a-1) Notwithstanding Subsection (a)(2), a requirement that  
6 an inmate not go in, on, or within a distance specified by a parole  
7 panel of certain premises does not apply to an inmate while the  
8 inmate is in or going immediately to or from:

9 (1) a parole office;

10 (2) premises at which the inmate is participating in a  
11 program or activity required as a condition of release;

12 (3) a residential facility in which the inmate is  
13 required to reside as a condition of release;

14 (4) a private residence in which the inmate is  
15 required to reside as a condition of release; or

16 (5) any other premises, facility, or location that is:

17 (A) designed to rehabilitate or reform the  
18 inmate; or

19 (B) authorized by the division as a premises,  
20 facility, or location where it is reasonable and necessary for the  
21 inmate to be present and at which the inmate has legitimate  
22 business, including a church, synagogue, or other established place  
23 of religious worship, a workplace, a health care facility, or a  
24 location of a funeral.

25 SECTION 3. The change in law made by this Act applies to a  
26 person on parole or mandatory supervision on or after the effective  
27 date of this Act, regardless of whether the person was released on

H.B. No. 1111

1 parole or to mandatory supervision before, on, or after that date.

2 SECTION 4. This Act takes effect September 1, 2017.

ADOPTED

MAY 24 2017

*Leta Spaw*  
Secretary of the Senate

By: *Jose Rodriguez*

H.B. No. 1111

Substitute the following for H.B. No. 1111:

By: *Guan Huffman*

C.S. H.B. No. 1111

A BILL TO BE ENTITLED

AN ACT

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relating to the child safety zone applicable to registered sex offenders and to certain other persons who are released on parole or to mandatory supervision.

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

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

(b-1) Notwithstanding Subsection (b)(1)(B), a requirement that a releasee not go in, on, or within a distance specified by a parole panel of certain premises does not apply to a releasee while the releasee is in or going immediately to or from:

(1) a parole office;

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

(3) a residential facility in which the releasee is required to reside as a condition of release;

(4) a private residence in which the releasee is required to reside as a condition of release; or

(5) any other premises, facility, or location that is:

(A) designed to rehabilitate or reform the releasee; or

(B) authorized by the division as a premises, facility, or location where it is reasonable and necessary for the releasee to be present and at which the releasee has legitimate

1 business, including a church, synagogue, or other established place  
2 of religious worship, a workplace, a health care facility, or a  
3 location of a funeral.

4 SECTION 2. Section 508.225, Government Code, is amended by  
5 adding Subsection (a-1) to read as follows:

6 (a-1) Notwithstanding Subsection (a)(2), a requirement that  
7 an inmate not go in, on, or within a distance specified by a parole  
8 panel of certain premises does not apply to an inmate while the  
9 inmate is in or going immediately to or from:

- 10 (1) a parole office;  
11 (2) premises at which the inmate is participating in a  
12 program or activity required as a condition of release;  
13 (3) a residential facility in which the inmate is  
14 required to reside as a condition of release;  
15 (4) a private residence in which the inmate is  
16 required to reside as a condition of release; or  
17 (5) any other premises, facility, or location that is:  
18 (A) designed to rehabilitate or reform the  
19 inmate; or  
20 (B) authorized by the division as a premises,  
21 facility, or location where it is reasonable and necessary for the  
22 inmate to be present and at which the inmate has legitimate  
23 business, including a church, synagogue, or other established place  
24 of religious worship, a workplace, a health care facility, or a  
25 location of a funeral.

26 SECTION 3. Subchapter Z, Chapter 341, Local Government  
27 Code, is amended by adding Section 341.906 to read as follows:

1           Sec. 341.906. LIMITATIONS ON REGISTERED SEX OFFENDERS IN  
2 GENERAL-LAW MUNICIPALITIES. (a) In this section:

3           (1) "Child safety zone" means premises where children  
4 commonly gather. The term includes a school, day-care facility,  
5 playground, public or private youth center, public swimming pool,  
6 video arcade facility, or other facility that regularly holds  
7 events primarily for children. The term does not include a church,  
8 as defined by Section 544.251, Insurance Code.

9           (2) "Playground," "premises," "school," "video arcade  
10 facility," and "youth center" have the meanings assigned by Section  
11 481.134, Health and Safety Code.

12           (3) "Registered sex offender" means an individual who  
13 is required to register as a sex offender under Chapter 62, Code of  
14 Criminal Procedure.

15           (b) To provide for the public safety, the governing body of  
16 a general-law municipality by ordinance may restrict a registered  
17 sex offender from going in, on, or within a specified distance of a  
18 child safety zone in the municipality.

19           (c) It is an affirmative defense to prosecution of an  
20 offense under the ordinance that the registered sex offender was  
21 in, on, or within a specified distance of a child safety zone for a  
22 legitimate purpose, including transportation of a child that the  
23 registered sex offender is legally permitted to be with,  
24 transportation to and from work, and other work-related purposes.

25           (d) The ordinance may establish a distance requirement  
26 described by Subsection (b) at any distance of not more than 1,000  
27 feet.

1       (e) The ordinance shall establish procedures for a  
2 registered sex offender to apply for an exemption from the  
3 ordinance.

4       (f) The ordinance must exempt a registered sex offender who  
5 established residency in a residence located within the specified  
6 distance of a child safety zone before the date the ordinance is  
7 adopted. The exemption must apply only to:

8               (1) areas necessary for the registered sex offender to  
9 have access to and to live in the residence; and

10               (2) the period the registered sex offender maintains  
11 residency in the residence.

12       SECTION 4. Sections 508.187 and 508.225, Government Code,  
13 as amended by this Act, apply to a person on parole or mandatory  
14 supervision on or after the effective date of this Act, regardless  
15 of whether the person was released on parole or to mandatory  
16 supervision before, on, or after that date.

17       SECTION 5. This Act takes effect September 1, 2017.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 24, 2017**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1111** by Thompson, Senfronia (Relating to the child safety zone applicable to registered sex offenders and to certain other persons who are released on parole or to mandatory supervision.), **As Passed 2nd House**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would modify the Government Code as it relates to a child safety zone for certain persons released on parole or mandatory supervision. The Board of Pardons and Paroles anticipates any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

The bill would also amend the Local Government Code to permit the governing body of certain municipalities to restrict, by ordinance, a registered sex offender from going in, on, or within a specified distance of a child safety zone in the municipality. The bill would permit an ordinance to establish a distance requirement of not more than 1,000 feet. The bill provides definitions and an affirmative defense to prosecution of an offense under the ordinance. Under the provisions of the bill, the ordinance could establish procedures for a registered sex offender to apply for and receive an exemption from the ordinance. The bill would require an ordinance to exempt a registered sex offender who established residency located within the specified distance before the date the ordinance was adopted.

According to the Office of Court Administration, no significant impact to the state court system is anticipated.

The bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 697 Board of Pardons and Paroles

**LBB Staff:** UP, SD, KJo, AI, KVe



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 17, 2017**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1111** by Thompson, Senfronia (Relating to the child safety zone applicable to a person released on parole or to mandatory supervision.), **Committee Report 2nd House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would modify the Government Code as it relates to a child safety zone for certain persons released on parole or mandatory supervision. The Board of Pardons and Paroles anticipates any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

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According to the Office of Court Administration, no significant impact to the state court system is anticipated.

The bill would take effect September 1, 2017.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 697 Board of Pardons and Paroles

**LBB Staff:** UP, KJo, AI, KVe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 11, 2017**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1111** by Thompson, Senfronia (Relating to the child safety zone applicable to a person released on parole or to mandatory supervision.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would modify the Government Code as it relates to a child safety zone for certain persons released on parole or mandatory supervision. The Board of Pardons and Paroles anticipates any additional work resulting from the passage of the bill could be reasonably absorbed within current resources. The bill would take effect September 1, 2017.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 697 Board of Pardons and Paroles

**LBB Staff:** UP, KJo, AI, KVe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 2, 2017**

**TO:** Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1111** by Thompson, Senfronia (relating to the child safety zone applicable to a person released on parole or to mandatory supervision.), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would modify the Government Code as it relates to a child safety zone for certain persons released on parole or mandatory supervision. The Board of Pardons and Paroles anticipates any additional work resulting from the passage of the bill could be reasonably absorbed within current resources. The bill would take effect September 1, 2017.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 697 Board of Pardons and Paroles

**LBB Staff:** UP, KJo, AI, KVe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 24, 2017**

**TO:** Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1111** by Thompson, Senfronia (Relating to the child safety zone applicable to a person released on parole or to mandatory supervision.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would modify the Government code as it relates to a child safety zone for certain persons released on parole or mandatory supervision. The Board of Pardons and Paroles anticipates any additional work resulting from the passage of the bill could be reasonably absorbed within current resources. The bill would take effect September 1, 2017.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 697 Board of Pardons and Paroles

**LBB Staff:** UP, KJo, AI, KVe

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**85TH LEGISLATIVE REGULAR SESSION**

**May 11, 2017**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1111** by Thompson, Senfronia (Relating to the child safety zone applicable to a person released on parole or to mandatory supervision.), **As Engrossed**

The provisions of the bill addressed by this analysis would amend the Government Code as it relates to the child safety zone applicable to a person released under parole or mandatory supervision. Under the provisions of the bill, certain child safety zone requirements would not apply to individuals while traveling directly to and from certain locations at which the individual is authorized by the division to be present and at which the individual has legitimate business.

The provisions of the bill would not result in a significant impact on the demand for state correctional resources.

**Source Agencies:**

**LBB Staff:** UP, LM, RFL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**85TH LEGISLATIVE REGULAR SESSION**

**May 2, 2017**

**TO:** Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1111** by Thompson, Senfronia (relating to the child safety zone applicable to a person released on parole or to mandatory supervision.), **Committee Report 1st House, Substituted**

The provisions of the bill addressed by this analysis would amend the Government Code as it relates to the child safety zone applicable to a person released under parole or mandatory supervision. Under the provisions of the bill, certain child safety zone requirements would not apply to individuals while traveling directly to and from certain locations at which the individual is authorized by the division to be present and at which the individual has legitimate business.

The provisions of the bill would not result in a significant impact on the demand for state correctional resources.

**Source Agencies:**

**LBB Staff:** UP, LM, RFL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**85TH LEGISLATIVE REGULAR SESSION**

**April 24, 2017**

**TO:** Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1111** by Thompson, Senfronia (Relating to the child safety zone applicable to a person released on parole or to mandatory supervision.), **As Introduced**

The provisions of the bill addressed by this analysis would amend the Government Code as it relates to the child safety zone applicable to a person released on parole or to mandatory supervision. Under the provisions of the bill, certain child safety zone requirements would not apply to individuals traveling directly en route on a public or private roadway between locations at which the individual has legitimate business.

The provisions of the bill would not result in a significant impact on the demand for state correctional resources.

**Source Agencies:**

**LBB Staff:** UP, LM, RFL