

By: Schatzline

H.B. No. 1559

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offenses of indecency with a child and sexual assault.

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

SECTION 1. Section 21.11(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, with a child younger than 18 [~~17~~] years of age, whether the child is of the same or opposite sex and regardless of whether the person knows the age of the child at the time of the offense, the person:

(1) engages in sexual contact with the child or causes the child to engage in sexual contact; or

(2) with intent to arouse or gratify the sexual desire of any person:

(A) exposes the person's anus or any part of the person's genitals, knowing the child is present; or

(B) causes the child to expose the child's anus or any part of the child's genitals.

SECTION 2. Section 22.011(c)(1), Penal Code, is amended to read as follows:

(1) "Child" means a person younger than 18 [~~17~~] years of age.

SECTION 3. Section 1(1), Article 38.074, Code of Criminal Procedure, is amended to read as follows:

1 (1) "Child" means a person younger than 17 years of age
2 ~~[has the meaning assigned by Section 22.011(c), Penal Code].~~

3 SECTION 4. Article 42A.453(c), Code of Criminal Procedure,
4 is amended to read as follows:

5 (c) If a judge grants community supervision to a defendant
6 described by Subsection (b) and the judge determines that a child
7 younger than 17 years of age ~~[as defined by Section 22.011(c), Penal~~
8 ~~Code,~~] was the victim of the offense, the judge shall establish a
9 child safety zone applicable to the defendant by requiring as a
10 condition of community supervision that the defendant:

11 (1) not:

12 (A) supervise or participate in any program that:

13 (i) includes as participants or recipients
14 persons who are 17 years of age or younger; and

15 (ii) regularly provides athletic, civic, or
16 cultural activities; or

17 (B) go in, on, or within 1,000 feet of a premises
18 where children commonly gather, including a school, day-care
19 facility, playground, public or private youth center, public
20 swimming pool, video arcade facility, or general residential
21 operation operating as a residential treatment center; and

22 (2) attend psychological counseling sessions for sex
23 offenders with an individual or organization that provides sex
24 offender treatment or counseling as specified or approved by the
25 judge or the defendant's supervision officer.

26 SECTION 5. Section 508.187(b), Government Code, is amended
27 to read as follows:

1 (b) A parole panel shall establish a child safety zone
2 applicable to a releasee if the panel determines that a child
3 younger than 17 years of age [~~as defined by Section 22.011(c), Penal~~
4 ~~Code,~~] was the victim of the offense, by requiring as a condition of
5 parole or mandatory supervision that the releasee:

6 (1) not:

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

11 (B) go in, on, or within a distance specified by
12 the panel of premises where children commonly gather, including a
13 school, day-care facility, playground, public or private youth
14 center, public swimming pool, or video arcade facility; and

15 (2) attend for a period of time determined necessary
16 by the panel psychological counseling sessions for sex offenders
17 with an individual or organization that provides sex offender
18 treatment or counseling as specified by the parole officer
19 supervising the releasee after release.

20 SECTION 6. The changes in law made by this Act apply only to
21 an offense committed on or after the effective date of this Act. An
22 offense committed before the effective date of this Act is governed
23 by the law in effect on the date the offense was committed, and the
24 former law is continued in effect for that purpose. For purposes of
25 this section, an offense was committed before the effective date of
26 this Act if any element of the offense occurred before that date.

27 SECTION 7. This Act takes effect September 1, 2023.