

By: Slaton

H.B. No. 4675

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offenses of indecency with a child and sexual assault and to a child safety zone applicable to a person on community supervision, parole, or mandatory supervision for certain sexual offenses.

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

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

(1) not:

(A) supervise or participate in any program that:

(i) includes as participants or recipients persons who are 18 [~~17~~] years of age or younger; and

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

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

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

SECTION 4. Section 508.187(b), Government Code, is amended to read as follows:

(b) A parole panel shall establish a child safety zone applicable to a releasee if the panel determines that a child as

1 defined by Section 22.011(c), Penal Code, was the victim of the
2 offense, by requiring as a condition of parole or mandatory
3 supervision that the releasee:

4 (1) not:

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

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

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

18 SECTION 5. The changes in law made by this Act apply only to
19 an offense committed on or after the effective date of this Act. An
20 offense committed before the effective date of this Act is governed
21 by the law in effect on the date the offense was committed, and the
22 former law is continued in effect for that purpose. For purposes of
23 this section, an offense was committed before the effective date of
24 this Act if any element of the offense occurred before that date.

25 SECTION 6. This Act takes effect September 1, 2023.