

SUBJECT: Probation reports about the treatment and supervision of certain sex offenders

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Keel, Riddle, Ellis, Denny, Hodge, Pena, Talton
0 nays
2 absent — Dunnam, P. Moreno

SENATE VOTE: On final passage, May 1 — 31-0, on Local and Uncontested Calendar

WITNESSES: No public hearing

DIGEST: In the case of a sex offender given probation, SB 1054 would require a judge to direct a probation officer or other entity approved by the Council on Sex Offender Treatment to evaluate the appropriateness of, and a plan for, the treatment, specialized supervision, or rehabilitation of the defendant and to report the results of the evaluation to the judge. A judge could require that the evaluation use offense-specific standards of practice adopted by the Council on Sex Offender Treatment. The evaluation would have to be made after a conviction and before entry of a final judgment, unless a defendant requested the report be made before a conviction.

Judges granting probation to sex offenders would be authorized to require the sex offenders to submit to treatment, specialized supervision, or rehabilitation according to offense-specific standards of practice adopted by the Council on Sex Offender Treatment. Judges would be required to make defendants pay for the treatment, if they were able financially.

The bill would move current provisions that allow probation officers to release certain types of information about sex offenders to specific mental health and medical personnel, as well as provisions that list who is considered a sex offender for these requirements, out of a section of the statutes dealing with presentence investigations in general and place it in a section dealing specifically with sex offender presentence investigations and postsentence treatment and supervision.

SB 1054 would repeal authorization for courts granting probation to persons convicted of indecency with a child, sexual assault, aggravated sexual assault, and injury to a child, elderly individual, or disabled individual to attend certain types of counseling and to pay for the costs of counseling for victims.

The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

SB 1054 would ensure that judges were aware of and used the most up-to-date and appropriate treatment, supervision, and rehabilitation of sex offenders. Because of the seriousness of sex offenses and the tendency for sex offenders to reoffend, it is important that judges get thorough reports about appropriate treatment and supervision for these offenders.

Currently, this might not occur in all cases, or if it does, the reports might not specify offense-specific standards of practice. SB 1054 would remedy this by requiring that judges received reports detailing the treatment and supervision for all sex offenders placed on probation and would make sure judges were aware of the option of using offense-specific standards of practice. Judges would retain their full discretion to impose appropriate conditions on all sex offenders placed on probation.

**OPPONENTS
SAY:**

SB 1054 is unnecessary because judges already have broad authority to impose conditions on probationers, including authority to order sex offenders placed on probation into any type of treatment. In addition, probation officers routinely make recommendations to judges about the conditions of probation, including recommendations that sex offenders obtain treatment, so there is no need to require a specific report relating to sex offender treatment.