

## **BILL ANALYSIS**

Senate Research Center

H.B. 223  
By: Wise (Bernsen)  
Criminal Justice  
5/4/2001  
Engrossed

### **DIGEST AND PURPOSE**

Under current Texas law, attorneys representing the state in the prosecution of a sex offender are not required to provide any written comments on the circumstances relating to the commission of the offense. H.B. 223 requires attorneys representing the state in the prosecution of a sex offender to provide written comments relating to the offense committed to the Department of Criminal Justice (department) and amends related provisions regarding the release on parole of certain offenders.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 508.152, Government Code, by adding Subsection (f), to require an attorney representing the state in the prosecution of an inmate serving a sentence for an offense described by Section 508.187(a) to provide written comments to the Texas Department of Criminal Justice (department) on the circumstances related to the commission of the offense and other information determined by the attorney to be relevant to any subsequent parole decisions regarding the inmate.

SECTION 2. Amends Section 508.187, Government Code, by amending Subsection (b) and adding Subsection (g) and (h), to require a parole panel to establish a child safety zone applicable to a release if the panel determines that a child as defined by Section 22.011(c), Penal Code, was the victim of the offense, by requiring as a condition of parole or mandatory supervision certain conditions. Provides that for the purposes of Subsection (b)(1)(B)(ii), the measurement of the distance between a residence and a premises described by Subsection (b)(1)(B) is a direct line from the property line of the residence to the property line of the premises, and in a direct line across intersections. Provides that notwithstanding Subsection (b)(1)(B)(ii), a parole panel requirement that a releasee not reside in a residence located within 500 feet of premises where children commonly gather does not apply to a releasee under certain conditions.

SECTION 3. Amends Article 56.11(c), Code of Criminal Procedure, to provide that this article applies to a person convicted of an offense described by Section 508.187(a), Government Code, or an offense involving family violence, stalking, or violation of a protective order or magistrate's order.

SECTION 4. Effective date: September 1, 2001.