

**SUBJECT:** Information about inmates convicted of sex offenses involving children

**COMMITTEE:** Corrections — favorable, without amendment

**VOTE:** 6 ayes — Hightower, Allen, Farrar, Gray, Hupp, Marchant  
0 nays  
3 absent — Alexander, Edwards, Serna

**WITNESSES:** For — Deborah Moore  
Against — None  
On — Melinda Hoyle Bozarth, Texas Department of Criminal Justice

**DIGEST:** HB 1799 would establish new requirements for information about offenders convicted of the following sexual offenses involving children:

- sexual performance by a child;
- possession or promotion of child pornography;
- indecency with a child;
- sexual assault and aggravated sexual assault;
- prohibited sexual conduct (incest);
- aggravated kidnapping with intent to violate or abuse the victim sexually; and
- first-degree felony burglary of a habitation with the intent to commit felony indecency with a child, sexual assault, aggravated sexual assault, prohibited sexual conduct, or aggravated kidnapping with sexual intent.

In cases where a defendant was sentenced to prison for one of these offenses, prosecutors would have to provide to the Texas Department of Criminal Justice (TDCJ) written comments on the circumstances related to the commission of the offense and other information that would be relevant to subsequent parole decisions.

HB 1799 also would require that these offenders be evaluated by a sex offender treatment provider before being considered for parole in order to determine whether releasing the inmate would pose a threat to public safety.

HB 1799 would amend a current requirement that these offenders released on parole attend psychological counseling with a sex offender treatment provider specified by their parole officer to require a minimum term of three years for the treatment.

TDCJ would have to notify victims of these offenders and local law enforcement officials in the county where the victim resided if an offender escaped or was released after completing the sentence.

HB 1799 would take effect September 1, 1997.

**SUPPORTERS  
SAY:**

HB 1799 would provide Texas children with additional layers of protection from sex offenders. Parole panels would have a full range of information about sex offenders, offenders would receive a minimum amount of treatment if they were paroled, and victims would be notified when an offender was released. The bill would apply to the same offenders now banned from “child safety zones” as a condition of parole or probation. Sex offenders tend to reoffend, and those addressed by HB 1799 prey on the most vulnerable members of society. It is proper to monitor and restrict them as closely as possible.

Requiring prosecutors to supply TDCJ with information about these serious sex offenders would mean parole panels had the most complete information possible to make their decision. The general information that already is provided on an inmate might not include facts “relevant to any subsequent parole decision.” HB 1799 would ensure that prosecutors think about the potential parole of an inmate and supply this vital information to parole panels.

Requiring that these serious sex offenders submit to evaluation by a sex offender treatment provider before parole panels could consider their cases also would help the panels make an informed decision. Parole panels would benefit from having the analysis of a professional third-party about the

public safety threat posed by these inmates. This would help protect the public, especially children, from potentially dangerous offenders.

Setting a minimum term of three years of psychological counseling for paroled sex offenders would ensure that they remain under treatment for a reasonable amount of time. Because treatment is an essential component of reducing recidivism, it would be appropriate to require treatment for at least three years. If an inmate's parole was for less than three years, the requirement would not be binding, and no harm would be done. HB 1799 would not create a new requirement for counseling; it would simply set a minimum period for it.

Requiring that victims be notified when their offenders escaped or were released would codify a current policy under which TDCJ notifies persons registered in a victims' database about escapes or releases. The provision also would complement a current law that requires TDCJ to notify victims or their close relatives if an offender escapes. HB 1799 would include local law enforcement in the notification requirement. Most importantly, the bill would make notification for releases a state law so that it could not be subject to change by TDCJ personnel. Victims deserve to be kept apprised of important events concerning their case. The 75th Legislature has already affirmed this belief by establishing notification requirements for victims of stalking. HB 1799 would give child victims of serious sex offenses this same protection.

**OPPONENTS  
SAY:**

Some of the provisions of HB 1799 are unnecessary because current law or policies have similar requirements. Other provisions would reduce the flexibility of parole panels.

It is unnecessary to require prosecutors to submit written comments about an offense. Pre-sentence investigation reports and post-sentencing reports already contain information about an offense as well as an offender's criminal and social history. These reports, along with information compiled by TDCJ's parole division, already provide parole panels with more than adequate amounts of information on which to base their decisions.

Provisions making parole panels require offenders to undergo evaluation by a sex offender treatment provider are vague. It is unclear who would pay for this new requirement — TDCJ, the parole board or someone else.

Requiring parole panels to set a minimum amount of treatment time would reduce the panels' flexibility to make decisions based on individual cases. In addition, if a person had less than three years on parole, such a requirement would cause needless confusion.

HB 1799 provisions concerning victim notification also are unnecessary because state law already requires TDCJ to notify victims if an offender escapes, and TDCJ policies call for notifying victims about offender releases whenever it has information on how to contact them. HB 1799 could unwisely open the door for more work for TDCJ. Victims of other crimes also could seek to be listed along with stalking victims in the notification directive just issued to TDCJ this session. At most, HB 1799 should only require that TDCJ make a “reasonable attempt” to notify victims using their last known location. This provision now applies to cases of escape, a potentially more dangerous situation, and should be used here as well.