

BILL ANALYSIS

Senate Research Center

H.B. 1799
By: Wise (Lucio)
Criminal Justice
4-23-97
Engrossed

DIGEST

Currently, concerns are being raised about the frequency with which sex offenders repeat their crimes against children. Some states have attempted to guarantee more protection for children by instituting statutes mandating that more information regarding the sex offense be provided to the parole board, that the prosecutor and victim be notified of a pending parole hearing, that a thorough evaluation be conducted of the prisoner, and that the offender receive treatment on an outpatient basis while on parole. H.B. 1799 would require a prosecutor to inform the parole board of the circumstances of the offense and other relevant information; the offender to submit to an evaluation by a sex offender treatment center to determine whether the offender poses a continuing threat to public safety; an offender to attend psychological counseling sessions for not less than three years as a condition of parole; and the institutional division of the Texas Department of Criminal Justice to notify local law enforcement officials and the victim when the offender is released or escapes.

PURPOSE

As proposed, H.B. 1799 establishes procedural requirements applicable to the release on parole of certain sex offenders.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 8(e), Article 42.18, Code of Criminal Procedure, to require an attorney representing the state in the prosecution of a prisoner serving a sentence for an offense described by Section 8(u)(2), regarding certain sexual offenses, to provide written comments to the Texas Department of Criminal Justice (TDCJ) 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 prisoner.

SECTION 2. Amends Section 8(f)(2), Article 42.18, Code of Criminal Procedure, to require a parole panel, before considering for release on parole a prisoner serving a sentence for an offense described by Section 8(u)(2), to require that the prisoner submit to an evaluation by an individual or organization that provides sex offender treatment or counseling for the purpose of determining whether the person would pose a threat to public safety if released.

SECTION 3. Amends Section 8(u)(1), Article 42.18, Code of Criminal Procedure, to require a parole panel to establish a child safety zone applicable to an inmate described by Subdivision (2) if the panel determines that a child was the victim of the offense by requiring as a condition of parole or release to mandatory supervision that the inmate attend psychological counseling sessions for sex offenders for not less than three years.

SECTION 4. Amends Article 56.11(a), Code of Criminal Procedure, as amended by S.B. 97, Acts of the 75th Legislature, Regular Session, 1997, to require the institutional division of TDCJ to notify the victim of the offense and local law enforcement officials in the county where the victim resides whenever a person convicted of a certain felony offenses completes the person's sentence and is released or escapes from a facility.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.