

BILL ANALYSIS

Senate Research Center

C.S.H.B. 3387
By: Krause et al. (Whitmire)
Criminal Justice
5/21/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 3387 amends the Government Code to require a parole panel to require as a condition of release on parole or to mandatory supervision that a releasee participate in a sex offender treatment program developed by the Texas Department of Criminal Justice if the releasee was serving a sentence for a Penal Code sexual offense or is required to register as a sex offender and if immediately before release the releasee is participating in a sex offender treatment program.

C.S.H.B. 3387 authorizes a parole panel to require as a condition of release on parole or to mandatory supervision that a releasee participate in a sex offender treatment program as specified by the parole panel if the releasee was serving a sentence for a Penal Code sexual offense or is required to register as a sex offender or if a designated agent of the Board of Pardons and Paroles, on evidence that a sex offense occurred during the commission of the offense for which the releasee was serving a sentence, makes an affirmative finding that, regardless of the offense for which the releasee was serving a sentence, the releasee constitutes a threat to society because of the releasee's lack of sexual control.

C.S.H.B. 3387 amends current law relating to sex offender treatment as a condition of parole or mandatory supervision for certain releasees.

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 Subchapter F, Chapter 508, Government Code, by adding Section 508.1862, as follows:

Sec. 508.1862. SEX OFFENDER TREATMENT. Requires a parole panel to require as a condition of release on parole or to mandatory supervision that a releasee participate in a sex offender treatment program developed by the Texas Department of Criminal Justice if:

(1) the releasee:

(A) was serving a sentence for an offense under Chapter 21 (Sexual Offenses), Penal Code; or

(B) is required to register as a sex offender under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure; and

(2) immediately before release, the releasee is participating in a sex offender treatment program established under Section 499.054 (Sex Offender Treatment Program).

SECTION 2. Amends Subchapter G, Chapter 508, Government Code, by adding Section 508.228, as follows:

Sec. 508.228. SEX OFFENDER TREATMENT. Authorizes a parole panel to require as a condition of release on parole or to mandatory supervision that a releasee participate in a sex offender treatment program as specified by the parole panel if:

(1) the releasee:

(A) was serving a sentence for an offense under Chapter 21, Penal Code;
or

(B) is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or

(2) a designated agent of the Texas Board of Criminal Justice after conducting a hearing that allows the releasee to contest the evidence, on evidence that a sex offense occurred during the commission of the offense for which the releasee was serving a sentence, makes an affirmative finding that, regardless of the offense for which the releasee was serving a sentence, the releasee constitutes a threat to society because of the releasee's lack of sexual control.

SECTION 3. Provides that Sections 508.1862 and 508.228, Government Code, as added by this Act, apply only to a decision of a parole panel made on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2015.