

BILL ANALYSIS

H.B. 1064
By: Sheffield
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties have expressed concern that despite current restrictions on the activities of sex offenders, many sex offenders are still spending lengthy amounts of time in close contact with children. H.B. 1064 seeks to address this concern.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1064 amends the Code of Criminal Procedure and Government Code to remove, respectively, the requirement that a judge who grants community supervision to a defendant accused of a certain sexual offense against a child younger than 17 years of age establish a child safety zone applicable to the defendant and the requirement that a parole panel establish a child safety zone as a condition of release on parole or to mandatory supervision applicable to a releasee who is serving a sentence for a certain sexual offense committed against a child younger than 17 years of age. The bill instead defines "child safety zone" as any area located within 1,000 feet from the nearest property line of a premises where children commonly gather, lists the specific locations that qualify as such a premises, and includes as a required condition of community supervision for such a defendant and as a condition of parole or mandatory supervision for such a releasee that the defendant or releasee not work or reside within a child safety zone.

H.B. 1064 authorizes such a defendant or releasee who resides within a child safety zone to remain at the defendant's or releasee's residence if the defendant or releasee resided at the residence on September 1, 2015, or is residing at the residence at the time that a child safety zone is established for or extended to an area that contains the residence. The bill excludes a defendant or releasee who is required to register as a sex offender because of one or more reportable convictions or adjudications for a sexually violent offense involving a victim younger than 17 years of age from statutory provisions authorizing a defendant or releasee to request to modify an applicable child safety zone for certain reasons and permitting a defendant or releasee to enter a child safety zone on an event-by-event basis under certain conditions.

H.B. 1064 amends the Code of Criminal Procedure to prohibit a person who is required to register as a sex offender because of one or more reportable convictions or adjudications for a

sexually violent offense involving a victim younger than 17 years of age and who is not enrolled as a student at a public or private primary or secondary school from working or residing within or going in, on, or within a child safety zone. The bill exempts from this prohibition a person on community supervision while that person is in or going immediately to or from certain locations related to the community supervision. The bill authorizes a person subject to the prohibition who resides within a child safety zone to remain at the person's residence if the person resided at the residence on September 1, 2015, or is residing at the residence at the time that the child safety zone is established for or extended to an area that contains a residence. The bill makes an offense of failure to comply with sex offender registration requirements a third degree felony if the actor fails to comply with this prohibition.

H.B. 1064 requires a court or parole panel, as appropriate, if conditions of community supervision or release on parole or mandatory supervision imposed before the bill's effective date do not prohibit a defendant or releasee, as applicable, from working or residing within a child safety zone as defined by the bill, to modify the conditions of supervision or parole, as applicable, to impose those prohibitions. The bill's provisions apply to a defendant or releasee who is placed on community supervision or released on parole or mandatory supervision before, on, or after the bill's effective date.

H.B. 1064 repeals the following provisions:

- Section 13B(h), Article 42.12, Code of Criminal Procedure
- Section 508.187(f), Government Code

EFFECTIVE DATE

September 1, 2015.