

SUBJECT: Limiting release of sex offender parolees to counties

COMMITTEE: Corrections — committee substitute recommended

VOTE: 8 ayes — Hightower, Allen, Alexander, Edwards, Gray, Hupp, Marchant, Serna

0 nays

1 absent — Farrar

WITNESSES: For — Kenneth Barr and Joe Paniagua, Fort Worth City Council; Laura Lyons, Texas Association Against Sexual Assault; Craig Slayton

Against — None

On — Melinda Hoyle Bozarth, Texas Department of Criminal Justice

BACKGROUND : Under Code of Criminal Procedure Art. 42.18, sec. 8A, parole panels must require parolees and persons released on mandatory supervision to reside in the county where they lived at the time they committed their offense or, if they were not a resident of Texas, the county where the offense was committed. However, persons can be required to live in a different county to: (1) protect the life or safety of the parolee's victim, the parolee, a witness, or any other person; or (2) increase the likelihood of the parolee's successfully completing parole because of written expressions of public concern in the county where they would otherwise be required to reside, the presence of family members or friends who have expressed a willingness to assist the parolee, the verified existence of a job offer, or the availability of treatment programs, educational programs, or other social service programs.

DIGEST: Under CSHB 658, if the total number of sex offenders on parole or mandatory supervision in a county exceeded 25 percent of the state total, parole panels could require a sex offender to live in that county only: (1) to meet the requirement that persons be released to the county where they lived or to the county where the crime was committed if they were not a state resident or (2) if family members or friends willing to assist the parolee lived in the county.

CSHB 658 would apply to persons convicted of :

- sexual performance by a child;
 - possession or promotion of child pornography;
 - indecency with a child;
 - sexual assault;
 - 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.

CSHB 658 also would require the pardons and parole division of the Texas Department of Criminal Justice (TDCJ) to notify county sheriffs if the number of sex offenders on parole or mandatory supervision in the county exceeded 10 percent of the total number of sex offenders in the state on parole or mandatory supervision. The notification would have to be made on the first working day of each month.

The bill would apply only to persons released on parole or mandatory supervision on or after September 1, 1997, the bill's effective date.

**SUPPORTERS
SAY:**

CSHB 658 is necessary to ensure that no one county be forced to accept more than its fair share of the burden of handling paroled sex offenders. The bill would apply to only the most serious sex offenders, those whom judges and parole panels already must require to stay out of "child safety zones."

This problem of sending large numbers of sex offenders to one county came to light in 1995 when it was discovered that Tarrant County was housing about 75 percent of all sex offenders who had been paroled to halfway houses. Although current law requires persons to be paroled to their home county, the five exceptions to the rule have allowed many persons to be paroled to counties other than their home counties and resulted in some counties with disproportionately large numbers of paroled sex offenders.

CSHB 658 would help ensure against unfair and inappropriate “dumping” of sex offenders in one county by limiting the number of exceptions to the rule that offenders be paroled to their home county for counties with over 25 percent of the state's paroled sex offenders. Additional sex offender parolees could be sent to a county over the limit only if it were the parolee's home county or if family or friends willing to help the parolee lived in the county. This would allow counties to receive all of those being paroled to their home county even if the county was over the 25 percent threshold but would rightfully limit other parolees.

CSHB 658 would cause no immediate change in parole procedures. Currently, Harris County is the only county near the 25 percent threshold. It is unlikely that this bill would result in offenders being paroled to the street because they could not be sent to a county with an available halfway house bed. The chance is extremely remote that a county would be over the 25 percent threshold and still have beds available in a halfway house. Even if this situation occurred, the parolee could be sent to another county that was not over the 25 percent limit, if one of the current exceptions to the “home county” rule applied. The bill would simply provide insurance to the counties that abuses will not occur in the future.

Requiring TDCJ's parole division to notify sheriffs if their county is home to over 10 percent of the state's paroled sex offenders would allow sheriffs to better monitor the size of the sex offender population in their county.

**OPPONENTS
SAY:**

CSHB 658 could be too restrictive, making it difficult for the parole board to find a place to release sex offenders under certain situations. For example, if a parolee's home county did not have an available beds in a halfway house or other facility, the parolee could not be paroled to another county that did have available halfway house space if that county was over the 25 percent threshold unless family or friends of the parolee lived in that county. This could possibly result in parolees being paroled to the streets in their home counties with no plan for a place to live.

NOTES:

The original version of the bill would have required TDCJ's parole division to make semi-annual reports on the numbers of sex offenders paroled to Texas counties. The original version also would have prohibited parole panels from sending parolees to counties with over 20 percent of the state's

sex offenders if they were being sent under the exception to the “home county” rule that allows persons to be paroled to other counties if treatment or other programs are available.