

**SUBJECT:** Authorizing psychological counseling for juvenile sex offenders

**COMMITTEE:** Juvenile Justice and Family Issues— favorable, without amendment

**VOTE:** 9 ayes — Goodman, Staples, J. Jones, McClendon, McReynolds, Naishtat, Reyna, Smith, Williams

0 nays

**SENATE VOTE:** On final passage, Local and Uncontested, May 5 — voice vote

**WITNESSES:** No public hearing

**DIGEST:** SB 1232 would authorize courts or juries that place juveniles on probation for certain specified sex offenses and the Texas Youth Commission (TYC) paroling juveniles adjudicated of certain specified sex offenses in which there is a child victim to require as a condition of probation or parole that the juvenile attend psychological counseling for sex offenders and submit to a polygraph examination to evaluate the juvenile's treatment progress.

The bill would apply to juveniles whose victims were younger than 17 years old and who are placed on probation for:

- indecent exposure;
- indecency with a child;
- sexual assault;
- aggravated sexual assault;
- prohibited sexual conduct (incest);
- aggravated kidnapping with intent to abuse the victim sexually; and
- first-degree burglary with intent to commit one of the above sex offenses.

Courts would be required to place these juveniles on probation for a minimum of two years, as long as the probation did not extend beyond the juvenile's 18th birthday. Courts would be able to extend a juvenile's probation period for any period necessary to complete the required counseling, as required by the treatment provider, as long as the probation did not extend beyond the juvenile's 18th birthday. TYC would be able to

petition the court to extend a juvenile's parole period for an additional period to complete the required counseling, as determined by the treatment provider, as long as the parole period did not extend beyond the juvenile's 18th birthday.

SB 1232 would establish guidelines for who can administer the psychological counseling and the polygraph exams. The local juvenile probation departments and TYC would be required to contact the sex offender treatment provider and set up the first session. They would have to request notification of a juvenile's failure to attend a counseling session. The local juvenile probation departments and TYC also would have to set up the polygraph exams when they are required by the court or TYC or requested by the treatment provider.

Courts would be able to require the parents or guardians of juveniles described by SB 1232 to attend four sessions of instructions with an organization or individual relating to sex offenses, family communication skills, sex offender treatment, victims' rights, parental supervision and appropriate sexual behavior. The court also could require the parents or guardians to participate in monthly treatment groups conducted by the juvenile's treatment provider. Courts would have to request notification if a parent or guardian did not attend an instructional session or treatment group.

Treatment providers would be required to report monthly to probation departments and to TYC about the total number of counseling sessions attended by a juvenile and, if appropriate, why a juvenile is not participating. The first monthly report would have to be made by October 15, 1997.

SB 1232 would take effect September 1, 1997.

**SUPPORTERS  
SAY:**

SB 1232 would put courts and the TYC on notice that psychological counseling and polygraph exams for juvenile sex offenders are an option that should be considered when setting probation and parole conditions. Sex offenders tend to be repeat offenders who should be given every available treatment option. SB 1232 would be similar to requirements that are imposed on adult sex offenders who victimized children. SB 1232 would establish a model based on a successful juvenile sex offender

treatment program in Dallas County for juvenile probation departments and TYC to follow.

SB 1232 is permissive — it would not require juveniles to be sent to counseling and would not impinge on courts sentencing discretion or TYC's ability to design parole conditions. Courts and TYC already have broad authority to set probation and parole conditions, and courts currently can modify and extend juvenile probation; SB 1232 would not be an expansion of that authority. Juvenile parole could be extended under SB 1232 only upon court order.

SB 1232 would establish guidelines for requiring treatment so that there are uniform standards and would establish who can administer the psychological counseling and the polygraph exams to ensure that this is done by qualified persons. The bill would require reports about juvenile's progress so the offenders' can be monitored by probation and parole officers.

Setting a minimum probation term of two years for these juvenile offenders would ensure that all of these offenders were given an appropriate, reasonable minimum sentence allowing them to go through the required treatment.

SB 1232 would allow courts and TYC to require parents to participate in instructions and treatment so that they will be involved in the juvenile's treatment. This would not grant new authority to the courts because they already have authority to place requirements on parents and guardians of juvenile offenders. The bill would simply suggest appropriate activities that courts might require for parents or guardians of juvenile sex offenders.

**OPPONENTS  
SAY:**

SB 1232 is unnecessary because courts and the TYC already have broad authority to set probation and parole conditions. SB 1232 could reduce flexibility in implementing the terms of probation and parole for these sex offenders because it would establish certain requirements *if* the court or TYC chose to require psychological counseling for a specified sex offender. For example, the bill would establish requirements for juvenile probation departments and TYC, such as arranging and monitoring counseling sessions. While probation departments and TYC most likely would do these things without a statutory requirement, SB 1232 could reduce agency

flexibility by placing these requirements in the statutes. The bill would also reduce judicial flexibility by requiring a minimum probation term of two years for some juvenile offenders, regardless of whether justified by the individual circumstances involving a juvenile.