

## **BILL ANALYSIS**

Senate Research Center

H.B. 2918  
By: Place (Whitmire)  
Criminal Justice  
4-25-97  
Engrossed

### **DIGEST**

In recent years, the legislature has doubled the punishment for violent and sexual offenders, and dramatically increased prison capacity in order to hold those offenders longer; however, safety concerns still exist with regard to imprisonment, supervision, and parole of violent and sex offenders. In addition, current law limits sex offenders to no more than 10 years for those sentenced to community supervision. H.B. 2918 would allow a judge to extend the period of supervision for up to 10 years upon the determination by a judge that a defendant has not sufficiently demonstrated a commitment to avoid future criminal behavior and that the release of the defendant from supervision would endanger the public. In addition, this legislation gives the Texas Department of Criminal Justice (TDCJ) more discretion to classify inmates, whereby TDCJ can make any good conduct time dependant on the inmate's participation and treatment. The classification system has a direct impact upon parole consideration.

### **PURPOSE**

As proposed, H.B. 2918 establishes the extension of a community supervision period for a defendant charged with or convicted of certain sexual offenses; the publication of notice under the sex offender registration program; and the classification of inmates in the custody of the Texas Department of Criminal Justice on the basis of need for treatment.

### **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 3(d), Article 42.12, Code of Criminal Procedure, to make a conforming change.

SECTION 2. Amends Section 4(c), Article 42.12, Code of Criminal Procedure, to make a conforming change.

SECTION 3. Amends Section 5(a), Article 42.12, Code of Criminal Procedure, to make a conforming change.

SECTION 4. Amends Article 42.12, Code of Criminal Procedure, by adding Section 22A, as follows:

Sec. 22A. EXTENDING SUPERVISION PERIOD FOR SEX OFFENDERS. Authorizes a judge to extend the period of community supervision at any time during the period of community supervision if a defendant is placed on community supervision after receiving a grant of deferred adjudication for or being convicted of an offense under Section 21.11, 22.011, or 22.021, Penal Code. Authorizes a judge to extend the period of supervision for a period not to exceed 10 additional years if at a hearing the judge determines that the defendant has not sufficiently demonstrated a commitment to avoid future criminal behavior and that the release of the defendant from supervision would endanger the public. Authorizes a judge to extend a period of community supervision only once, but provides that the judge may extend a period of community supervision for a defendant under both Section 22(c) and

this section. Establishes that the prohibition in Section 22(c) against a period of community supervision in a felony case exceeding 10 years does not apply to a defendant for whom community supervision is increased.

SECTION 5. Amends Section 498.003, Government Code, by adding Subsection (f), to authorize the Texas Department of Criminal Justice (TDCJ) to establish and use a separate classification system, based on the classes listed in Subsection (b), that requires inmates determined by TDCJ to need treatment to diligently participate in treatment; and makes the award of good conduct time dependent on that participation.

SECTION 6. Amends Section 3(e), Article 6252-13c.1, V.T.C.S., to require the local law enforcement authority to immediately publish notice in English and Spanish in the newspaper of greatest paid circulation, rather than in at least one newspaper of general circulation, in the county in which the person subject to registration intends to reside, or, if there is no newspaper of paid circulation in that county, in the newspaper of greatest general circulation in the county.

SECTION 7. Amends Section 4(f), Article 6252-13c.1, V.T.C.S., to make conforming changes.

SECTION 8. Makes application of this Act prospective.

SECTION 9. Effective date: September 1, 1997.

SECTION 10. Emergency clause.