

BILL ANALYSIS

Senate Research Center

S.B. 108
By: Cain
Criminal Justice
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As Filed

DIGEST

Currently, the Code of Criminal Procedure provides for conditions of community supervision, parole, and release on mandatory supervision for defendants charged with or convicted of certain sexual offenses against or involving children. Child safety zones were created to prevent convicted pedophiles from participating in programs or going to areas designated for children. Additionally, numerous laws have been passed to create drug-free and gun-free zones to protect children from drug dealers and other criminals. S.B. 108 would extend the child safety zones to prevent anyone convicted of an offense under Section 3g, Article 42.12, Code of Criminal Procedure, and later released under state supervision from participating in any program involving participants 17 years of age or younger.

PURPOSE

As proposed, S.B. 108 outlines provisions for conditions of community supervision, parole, and mandatory supervision for certain violent offenders.

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 Article 42.12, Code of Criminal Procedure, to add Section 13D, as follows:

Sec. 13D. DEFENDANTS PLACED ON COMMUNITY SUPERVISION FOR VIOLENT OFFENSES; PROTECTING CHILDREN. Requires a judge to establish a child safety zone applicable to a defendant convicted of certain violent offenses and who has been granted community supervision by requiring as a condition of the community supervision the defendant be prohibited from participation in any athletic, civic, or cultural program that includes persons aged 17 or younger; and from going in, on, or within a distance specified by the judge where children gather. Defines "playground," "premises," "school," "video arcade facility," and "youth center".

SECTION 2. Amends Article 42.18(8), Code of Criminal Procedure, by adding Subsection (v) to require a parole panel to establish a child safety zone applicable to an inmate convicted of certain violent offenses and who has been granted community supervision by requiring as a condition of the community supervision the defendant be prohibited from participation in any athletic, civic, or cultural program that includes persons aged 17 or younger; and from going in, on, or within a distance specified by the judge where children gather. Makes a conforming change.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.