

BILL ANALYSIS

Senate Research Center

C.S.S.B. 108
By: Cain
Criminal Justice
4-29-97
Committee Report (Substituted)

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. C.S.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, C.S.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. Authorizes a judge, if the nature of the offense for which a defendant is convicted warrants the establishment of a child safety zone, 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 age 17 or younger; and from going in, on, or within a distance specified by the judge where children gather. Authorizes the defendant to request the judge to modify the child safety zone applicable to the defendant because the zone as created by the judge interferes with the ability of the defendant to attend school or hold a job and consequently constitutes an undue hardship for the defendant or is broader than necessary to protect the public, given the nature and circumstances of the offense at any time after the imposition of a condition under Subsection (a). Provides that this section does not apply to a defendant described by Section 13B, as added by Chapter 256, Acts of the 74th Legislature, Regular Session, 1995. 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 authorize a parol panel, if the nature of the offense for which an inmate is serving a sentence warrants the establishment of a child safety zone, 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. Authorizes the inmate to request

the parole panel to modify the child safety zone applicable to the inmate because the zone as created by the panel interferes with the ability of the inmate to attend school or hold a job and consequently constitutes an undue hardship or is broader than is necessary to protect the public, given the nature and circumstance of the offense at any time after the imposition of a condition under Subdivision (1). Provides that this section does not apply to an inmate described by Subsection (u). Makes a conforming change.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 13D, Code of Criminal Procedure, regarding protecting children from defendants placed on community supervision for certain offenses.

SECTION 2.

Amends Section 8(v)(1), Code of Criminal Procedure, regarding protecting children from inmates placed on community supervision for certain offenses.