

BILL ANALYSIS

Senate Research Center

S.B. 1232
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Criminal Justice
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As Filed

DIGEST

Last session, the legislature recognized the importance of requiring sex offenders to attend, participate in, and complete a treatment program. In order to compel an offender to complete treatment, the offender's punishment was linked to treatment. Article 42.12, Code of Criminal Procedure, expressly requires, as a condition of release to community supervision or parole, that an adult offender be enrolled in a treatment program. However, concerns about juvenile sex offenders have not been addressed, and presently, juvenile sex offenders are not statutorily required to participate in treatment as a condition of punishment. Furthermore, their punishment terms are generally too short to maximize the offender's chance for successful treatment. This legislation requires a juvenile, as a condition of probation or supervision, to attend psychological counseling directed at sex offenders.

PURPOSE

As proposed, S.B. 1232 provides conditions for probation, release under supervision, and determinate sentence parole for a child adjudicated for engaging in certain delinquent conduct.

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 Chapter 54, Family Code, by adding Section 54.0405, as follows:

Sec. 54.0405. CHILD PLACED ON PROBATION FOR CONDUCT CONSTITUTING A SEXUAL OFFENSE. Requires the court, if a court or jury makes a disposition under Section 54.04 in which a child described by Subsection (b) is placed on probation and the court determines that the victim of the offense was a child, to require as a condition of probation that the child attend psychological counseling sessions for sex offenders. Requires the counseling to be with certain individuals or organizations. Sets forth the child offenders to which this section applies. Requires a local juvenile probation department that specifies a sex offender treatment provider to fulfill other responsibilities regarding counseling sessions for child sex offenders.

SECTION 2. Amends Chapter 61F, Human Resources Code, by adding Section 61.0813, as follows:

Sec. 61.0813. SEX OFFENDER COUNSELING AND TREATMENT. Requires the Texas Youth Commission (commission), before releasing a child described by Subsection (b) under supervision, to require as a condition of release that the child attend psychological counseling sessions for sex offenders. Requires the counseling to be with certain individuals or organizations. Sets forth the child offenders to which this section applies. Requires the commission, in addition to specifying a sex offender treatment provider, to fulfill other responsibilities regarding sex offender counseling and treatment.

SECTION 3. Amends Section 29(b), Article 42.18, Code of Criminal Procedure, to require a parole panel, for a release under this section, to apply the conditions required for an adult offender under

Sections 8(u)(1) and 8(u)(3)-(6) if the person eligible for release on parole was adjudicated for conduct constituting certain offenses.

SECTION 4. Amends Section 493.017, Government Code, as added by Chapter 256, Acts of the 74th Legislature, Regular Session, 1995, by amending Subsection (b), and adding Subsections (c) and (d), to require a sex offender correction program that provides counseling sessions for certain sex offenders to report to the parole officer, if the sex offender terminates participation before completion, the reason for the termination or that the reason for the termination of counseling is unknown. Requires a sex offender correction program that provides counseling sessions for a child under Section 54.0405, Family Code, to report to the local juvenile probation department supervising the child certain information by a set date. Requires a sex offender correction program that provides counseling sessions for a child who is released under supervision under Section 61.0813, Human Resources Code, to report to the commission certain information by a set date.

SECTION 5. Requires a sex offender correction program to make the first monthly report required by Section 493.017, Government Code, by a certain date.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 1997.

SECTION 8. Emergency clause.