

## **BILL ANALYSIS**

C.S.H.B. 3387  
By: Krause  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that current law allows the Board of Pardons and Paroles to impose certain special conditions on sex offenders supervised by the Texas Department of Criminal Justice but that the statutes do not explicitly state as a condition of release to parole or mandatory supervision that a sex offender participate in a sex offender treatment program. These parties contend that a parole panel should be able to require such participation. C.S.H.B. 3387 seeks to address this issue.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3387 amends the Government Code to require a parole panel to require as a condition of release on parole or to mandatory supervision that a releasee participate in a sex offender treatment program developed by the Texas Department of Criminal Justice if the releasee was serving a sentence for a Penal Code sexual offense or is required to register as a sex offender and if immediately before release the releasee is participating in a sex offender treatment program.

C.S.H.B. 3387 authorizes a parole panel to require as a condition of release on parole or to mandatory supervision that a releasee participate in a sex offender treatment program as specified by the parole panel if the releasee was serving a sentence for a Penal Code sexual offense or is required to register as a sex offender or if a designated agent of the Board of Pardons and Paroles, on evidence that a sex offense occurred during the commission of the offense for which the releasee was serving a sentence, makes an affirmative finding that, regardless of the offense for which the releasee was serving a sentence, the releasee constitutes a threat to society because of the releasee's lack of sexual control.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3387 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial

differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Subchapter F, Chapter 508, Government Code, is amended by adding Section 508.193 to read as follows:

Sec. 508.193. SEX OFFENDER TREATMENT. (a) A parole panel shall require as a condition of release on parole or release to mandatory supervision that an inmate participate as a releasee in a sex offender treatment program if:

(1) the releasee is convicted of a sex offense as defined in Chapter 21 of the penal code or required to register as a sex offender pursuant to Chapter 62 of the code of criminal procedure, and

(2) immediately before release is a participant in a sex offender treatment or education program established under Section 501.0931.

(b) The department shall develop the sex offender treatment program.

SECTION 2. Subchapter G, Chapter 508, Government Code, is amended by adding Section 508.228 to read as follows:

Sec. 508.228. SEX OFFENDER TREATMENT. (a) A parole panel may require as a condition of parole or mandatory supervision that a releasee attend sex offender treatment as specified by the parole panel when the releasee:

(1) was convicted of a sex offense as defined in Chapter 21 of the penal code; or  
(2) required to register as a sex offender pursuant to Chapter 62 of the code of criminal procedure.

(b) A parole panel may require as a condition of parole or mandatory supervision that a releasee attend sex offender treatment as specified by the parole panel:

(1) on evidence that a sex offense occurred during the commission of the offense for which the releasee was convicted; and

(2) upon an affirmative finding by a designated agent of the board.

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter F, Chapter 508, Government Code, is amended by adding Section 508.1862 to read as follows:

Sec. 508.1862. SEX OFFENDER TREATMENT. A parole panel shall require as a condition of release on parole or to mandatory supervision that a releasee participate in a sex offender treatment program developed by the department if:

(1) the releasee:

(A) was serving a sentence for an offense under Chapter 21, Penal Code; or

(B) is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; and

(2) immediately before release, the releasee is participating in a sex offender treatment program established under Section 499.054.

SECTION 2. Subchapter G, Chapter 508, Government Code, is amended by adding Section 508.228 to read as follows:

Sec. 508.228. SEX OFFENDER TREATMENT. A parole panel may require as a condition of release on parole or to mandatory supervision that a releasee participate in a sex offender treatment program as specified by the parole panel if:

(1) the releasee:

(A) was serving a sentence for an offense under Chapter 21, Penal Code; or

(B) is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or

(2) a designated agent of the board, on evidence that a sex offense occurred during the commission of the offense for which the releasee was serving a sentence, makes an affirmative finding that, regardless of the offense for which the releasee was serving a sentence, the releasee constitutes a threat to society because of the releasee's lack of sexual control.

SECTION 3. Sections 508.193 and 508.228, Government Code, as added by this Act, apply only to a decision of a parole panel made on or after the effective date of this Act. A decision of a parole panel made before the effective date of this Act is governed by the law in effect on the date the decision was made, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2015.

SECTION 3. Sections 508.1862 and 508.228, Government Code, as added by this Act, apply only to a decision of a parole panel made on or after the effective date of this Act. A decision of a parole panel made before the effective date of this Act is governed by the law in effect on the date the decision was made, and the former law is continued in effect for that purpose.

SECTION 4. Same as introduced version.