

SUBJECT: Prohibiting sex offenders from specific areas, programs

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 7 ayes — Place, Talton, Greenberg, Nixon, Pickett, Pitts, Solis
0 nays
2 absent — Farrar, Hudson

SENATE VOTE: On final passage, February 4 — voice vote

WITNESSES: None

DIGEST: CSSB 111 would require judges who assign community supervision and parole panels granting parole to persons convicted of certain sexual offenses against children to require as a condition of probation or parole that offenders stay out of established "child safety zones."

Offenders would have to be prohibited from supervising or participating in athletic, civic or cultural programs that involve persons 17 years old or younger and from going in, on or within a distance — determined by the judge or parole panel — of premises where children commonly gather, including day-care facilities, playgrounds, public or private youth centers, public swimming pools or video arcades facilities. The conditions would not be required for persons placed on probation who are students at primary or secondary schools.

The offenders also would have to be ordered to attend psychological counseling sessions for sex offenders with a sex-offender treatment provider specified by the judge, probation officer or parole officer.

These requirements would apply to offenders against children if the offenders were on community supervision for or on parole after serving a sentence for: sexual performance by a child, possession or promotion of child pornography, indecent exposure, indecency with a child, sexual assault, aggravated sexual assault, prohibited sexual conduct (incest), aggravated kidnapping with the intent to violate or abuse the victim

sexually or first-degree felony burglary with the intent to commit felony indecency with a child, sexual assault, aggravated sexual assault, prohibited sexual conduct or aggravated kidnapping with sexual intent.

Offenders would be able to ask a court or a parole panel to modify the child safety zone if it interfered with the offender's ability to attend school or hold a job and created an undue hardship.

Offenders could be allowed to enter child safety zones on an event-by-event basis if they had served at least two years of the community supervision term, entered the zone as part of a program to reunite with their family and presented a written plan specifying where, why and with whom they would enter the zone and how they would deal with any stressful situation, if the treatment provider agreed to the event and the officer and the treatment provider agreed on a chaperon for the offender.

Probation and parole officers would be required, before an offender was released, to contact a sex-offender treatment provider and set up the first session. The officer would have to request immediate notification of an offender's failure to attend a treatment session.

Treatment providers would be required to report monthly to probation and parole officers about the total number of counseling sessions attended by an offender and, if appropriate, why an offender quit participating. The first monthly report would have to be made by October 15, 1995.

CSSB 111 also would require terms between five and 10 years for judge-ordered community supervision for an offender guilty of a felony listed in the bill, including persons given probation as a condition of deferred adjudication. In deferred adjudication cases, judges could dismiss the proceedings and discharge the person only if the person had served at least two-thirds of the community supervision term.

CSSB 111 would take effect September 1, 1995, and apply only to persons charged with offenses committed on or after that date.

**SUPPORTERS
SAY:**

Child safety zones would help keep known child sex offenders who are on probation or parole away from children. Sex offenders tend to reoffend and

prey on the most vulnerable members of society. They should be monitored and restricted as closely as possible. Offenders who sexually abuse children should not have easy access to children. For some offenders even casual contact with children can lead to another crime.

CSSB 111 would establish a prudent, uniform way to keep offenders away from children. As conditions of probation or parole offenders would be ordered to stay away from places where children congregate and programs that involve children. Law enforcement officers and others report that they often know that child sex offenders are in parks or school areas but are powerless to do anything if the offenders are not breaking the law. It is necessary to restrict these offenders from participating in youth programs because the programs often do not or cannot perform adequate background checks on adult participants. CSSB 111 would allow the state to revoke probation or parole if these offenders violated the conditions and were found around children. Any inconvenience to offenders would be outweighed by the advantage of saving children from harm.

CSSB 111 would also require treatment and attendance monitoring. Most sex offenders would eventually be released from restrictions, and treatment is an essential component in reducing recidivism.

The bill would recognize that offenders need to reintegrate with their families and society. Offenders could be around children if they had abided by the restrictions for two years, the situation was to help reunite them with their families and they were chaperoned. Also, offenders could ask for a modification of a zone that created an undue school or job hardship.

Statewide standards for child safety zones are needed because probation and parole conditions now vary. CSSB 111 would ensure that offenders against children are appropriately restricted. Judges and parole panels would have the flexibility to determine the distances that offenders must observe. This would allow for variances to accommodate different risks and travel needs.

**OPPONENTS
SAY:**

A statewide law specifying conditions for probationers and parolees convicted of certain sex crimes is unnecessary. Judges and parole panels already have broad authority to place appropriate conditions on probationers

and parolees. Mandating certain parole and probation conditions would reduce judges' and parole panels' flexibility.

Child safety zones could be unreasonably restrictive. Prohibiting offenders from certain areas could make it difficult for them to reintegrate into work and family. They could not even pick up their own children at school. Other laws and city ordinances could be used to arrest or deter persons from committing an offense.

Child safety zones would be difficult to enforce and abide by. It would be difficult for probationers and parolees as well as law enforcement authorities to judge if a person was a specified distance from a certain place, and police would not know if a person was subject to a zone restriction.

**OTHER
OPPONENTS
SAY:**

The bill should specify that probationers and parolees must receive treatment from providers who are registered with the state Council on Sex Offender Treatment.

NOTES:

The committee substitute made numerous changes, including removing a statement that a statewide volunteer-based organization with experience in supervising mutual help sex offender corrections programs would qualify as a sex offender treatment provider; removing requirements relating to minimum community supervision terms for misdemeanor offenses; adding a requirement that offender serve at least two-thirds of a probation term before charges can be dismissed in deferred adjudication; and requiring sex offender treatment providers to report on the attendance of offenders.