

SUBJECT: Allowing psychological counseling as a parole condition for stalkers

COMMITTEE: Corrections — favorable, without amendment

VOTE: 7 ayes — Hightower, Allen, Farrar, Gray, Hupp, Marchant, Serna
0 nays
2 absent — Alexander, Edwards

WITNESSES: For — Christina Schneider, Texas Council on Family Violence
Against — None
On — Melinda Hoyle Bozarth and Wayne Scott, Texas Department of Criminal Justice

DIGEST: HB 1050 would allow parole panels to require as a condition of parole or mandatory supervision release that persons convicted of stalking attend psychological counseling sessions. The panel would be able to specify the type and duration of the counseling.

HB 1050 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

SUPPORTERS SAY: HB 1050 would ensure that a parole panel consider requiring counseling for stalkers. Currently, parole panels may be reluctant to release stalkers out of concern that they may return to their obsessive behavior, putting innocent citizens at risk. Listing psychological counseling in the statute as a possible parole condition for stalkers would highlight this option.

Psychological counseling for paroled stalkers should be brought to the attention of parole panels because counseling could help prevent stalkers from repeating their offenses and harming other victims. In addition, it would give victims some assurances that their stalker was being supervised by a behavioral specialist who could help treat the causes underlying the offensive behavior. Because HB 1050 is permissive and would not mandate that parole panels require paroled stalkers to attend counseling, it would not

impinge on a panel's flexibility to impose conditions appropriate for individual parolees.

The flexibility provided under HB 1050 would extend to situations where parolees — though no fault of their own — could not meet the counseling requirement their parole panel had imposed. For example, if counseling were unavailable, perhaps because the offender lived in an area without a qualified counselor, a parole officer could request a change in the requirement. Likewise, if an offender could not afford to pay for the counseling, other sources such as local government, community or charity funds, even Texas Department of Criminal Justice funds, could be tapped. Absent any source to pay for the counseling, a parole officer could request that the requirement be modified.

OPPONENTS
SAY:

HB 1050 would unnecessarily complicate the statute. There is no need to spell out that parole panels may require certain offenders to attend psychological counseling. Parole panels already have broad authority to impose conditions on parolees. Listing possibilities in the statute might be construed as pressure to impose exactly such a condition. Parole panels should be able to exercise completely the flexibility they currently enjoy to apply the restrictions they determine appropriate for a given offender without feeling pressured to impose specific conditions.

OTHER
OPPONENTS
SAY:

HB 1050 is unclear as to the fate of parolees who cannot afford the psychological counseling they are ordered to attend or who cannot find an appropriate counseling service. Many parolees are indigent or have very little money and would have difficulty paying for psychological counseling. In addition, counseling in this area is not as common as counseling for other types of offenses, such as substance abuse or sex offenses. Offenders paroled for stalking may have a hard time locating a qualified counselor, especially in rural parts of the state.

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NOTES: Rep. Gutierrez plans to offer a floor amendment that would allow parole panels to require psychological counseling of paroled stalkers if they determined through consultation with a local mental health services provider that appropriate services were available through the Texas Department of Mental Health and Mental Retardation or another provider.