

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1232  
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Criminal Justice  
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Committee Report (Substituted)

### **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 and to submit to a polygraph examination for the purposes of evaluating the child's treatment progress. C.S.S.B. 1232 also authorizes a court that requires a child to attend psychological counseling to order the parent or guardian of the child to attend certain instructional and treatment sessions.

### **PURPOSE**

As proposed, C.S.S.B. 1232 provides conditions for probation and release under supervision for a child adjudicated for engaging in certain delinquent conduct, and establishes certain instruction and treatment for the parent or guardian of the child.

### **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 SEXUAL OFFENSE. Authorizes 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 and submit to a polygraph examination for purposes of evaluating the child's treatment progress. Sets forth the child offenders to whom this section applies. Requires the psychological counseling to be with certain individuals or organizations. Requires a polygraph examination to be administered by certain individuals. Requires a local juvenile probation department that specifies a sex offender treatment provider to fulfill certain requirements. Sets forth the terms by which a local juvenile probation department is required to arrange for a polygraph examination to be administered by a certain date. Sets forth the terms by which a court is authorized to order the parent or guardian of a child attending psychological counseling to attend certain instruction and treatment. Sets forth the terms by which a court is authorized to extend the probation for an additional period.

SECTION 2. Amends Chapter 54.04, Family Code, by adding Subsection (p), to require a court that places a child on probation for conduct described by Section 54.0405(b) and punishable as a felony, to specify a minimum probation period of two years, except as provided by Subsection (l).

SECTION 3. Amends Chapter 61F, Human Resources Code, by adding Section 61.0813, as follows:

Sec. 61.0813. **SEX OFFENDER COUNSELING AND TREATMENT.** Authorizes 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 and submit to a polygraph examination. Sets forth the child offenders to whom this section applies. Requires psychological counseling to be with certain individuals or organizations. Requires a polygraph examination to be administered by certain individuals. Requires the commission, in addition to specifying a sex offender treatment provider, to fulfill other responsibilities regarding sex offender counseling and treatment. Sets forth the terms by which the commission is required to arrange for a polygraph examination to be administered by a certain date. Sets forth the terms by which the court is authorized to order the parent or guardian of a child attending psychological counseling to attend certain instruction and treatment. Sets forth the terms by which the commission is authorized to request the court to extend the period of release for an additional period, with certain limitations.

SECTION 4. Amends Section 493.017, Government Code, as added by Chapter 256, Acts of the 74th Legislature, Regular Session, 1995, by 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.

### **SUMMARY OF COMMITTEE CHANGES**

Amends the relating clause to delete the references to determinate sentence parole, and establishes certain instruction and treatment for the parent or guardian of the child.

#### SECTION 1.

Amends Section 54.0405, Family Code, to change the section heading. Authorizes the court to require as a condition of probation that the child attend psychological counseling and submit to a polygraph examination. Deletes the provision requiring the court to require the child to attend psychological counseling. Includes a child placed on probation under Section 22.021, Penal Code, among those children to whom this section applies. Sets forth the procedure regarding administration of the polygraph examination. Sets forth the terms by which a court is authorized to order the parent or guardian of a child attending psychological counseling to attend certain instructional and treatment sessions.

#### SECTION 2.

Amends Section 54.04, Family Code, to require a court that places certain children on probation to specify a minimum probation period of two years.

### SECTION 3.

Amends Section 61.0813, Human Resources Code, to authorize the commission to require as a condition of release that a child attend psychological counseling and submit to a polygraph examination. Deletes the provision requiring the commission to require a child to attend counseling. Includes a child who has been adjudicated for engaging in delinquent conduct constituting an offense under Section 22.021, Penal Code, among the children to whom this section applies. Sets forth the procedure for administering a polygraph examination. Sets forth the terms by which the court is authorized to order the parent or guardian of a child attending psychological counseling to attend instructional and treatment sessions.

Deletes former SECTION 3, regarding eligibility for release on parole of certain sex offenders.

### SECTION 4.

Deletes proposed changes to Section 493.017(b), Government Code.