



**TEXAS BOARD**  
**OF**  
**PARDONS AND PAROLES**

**Number:** BPP-POL. 145.205

**Date:** July 18, 2019

**Page:** 1 of 3

**Supersedes:** September 1, 2017

## **BOARD POLICY**

---

**SUBJECT:** DESIGNATION OF STANDARDIZED DISTANCE FOR CHILD SAFETY ZONES

**PURPOSE:** To establish a standardized distance for child safety zones while maintaining a parole panel's flexibility to modify the established distance on a case-by-case basis as authorized by the statute and to establish a procedure for imposing child safety zone restrictions as a condition of parole or mandatory supervision.

**AUTHORITY:** Texas Constitution Article 4, Section 11  
Texas Government Code Sections 508.0441, 508.045, 508.187, and 508.225

**DEFINITIONS:** Child safety zone – the distance an offender shall not go in, on, or within premises where children commonly gather, including but not limited to: schools, day-care facilities, playgrounds, public or private youth centers, public swimming pools, or video arcade facilities.

Playground, premises, school, video arcade facility, and youth center – as defined in the Health and Safety Code, Section 481.134, Drug-Free Zones.

Standardized distance – the Texas Board of Pardons and Paroles' (Board) established distance for child safety zones.

**POLICY:** The Board adopts the distance of five hundred (500) feet as its standardized distance for child safety zones for the purposes of a parole panel's designation as required by Sections 508.187 and 508.225.

Notwithstanding the standardized distance for a child safety zone adopted by this policy, the requirement that an offender not go in, on, or within the distance specified by a parole panel of certain premises does not apply to an offender while the offender is in or going immediately to or from:

1. a parole office;
2. premises at which the offender is participating in a program or activity required as a condition of release;

3. a residential facility in which the offender is required to reside as a condition of release;
4. a private residence in which the offender is required to reside as a condition of release; or
5. any other premises, facility, or location that is:
  - a. designed to rehabilitate or reform the offender; or
  - b. authorized by the Texas Department of Criminal Justice Parole Division as a premises, facility, or location where it is reasonable and necessary for the offender to be present and at which the offender has legitimate business including a church, synagogue, or other established place of religious worship, a workplace, a health care facility, or a location of a funeral.

**PROCEDURE:**

**I. Criteria for Imposition**

- A. **Mandatory Condition of Parole or Mandatory Supervision** – a parole panel shall impose a child safety zone condition for offenders released on parole or mandatory supervision who are serving a sentence for an offense identified in Government Code Section 508.187(a).
- B. **Discretionary Condition of Parole or Mandatory Supervision** – a parole panel may impose a child safety zone condition for offenders released on parole or mandatory supervision who are serving a sentence that warrants the establishment of a child safety zone for offenses listed in Article 42A.054(a), Code of Criminal Procedure, or for which a judgment contains an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure.

**II. Imposition of Special Condition**

- A. A parole panel, upon a majority vote, may impose Special Condition “X”, which includes child safety zone restrictions, or Special Condition “O.06” Child Safety Zone.
- B. Unless otherwise directed, the imposition of any special condition of parole or mandatory supervision is effective the date of the parole panel decision.
- C. At any time that Special Condition “X” or “O.06” is in effect, an offender’s supervising Parole Officer shall require the offender to comply with any or all child safety zone restrictions or components, provided that an acknowledgement form is executed every time compliance requisites are imposed or modified.
- D. Once imposed, the Child Safety Zone condition shall continue to govern the offender for the duration of the supervision period.

**III. Modification of Special Condition**

- A. Upon request of the releasee, a parole panel, by majority vote, may modify the designated child safety zone because the zone as created by the panel:
  - 1. interferes with the offender's ability to attend school or hold a job and consequently constitutes an undue hardship for the offender; or
  - 2. is broader than necessary to protect the public, given the nature and circumstances of the offense.
  
- B. A parole panel shall not modify the designated child safety zone when the request relates to certain premises identified in Government Code Sections 508.187(b-1) or 508.225(a-1).

**ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 18<sup>TH</sup> DAY OF JULY, 2019.**

**DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)**

*\*Signature on file.*