



TEXAS BOARD
OF
PARDONS AND PAROLES

Number: BPP-POL. 145.205

Date: July 27, 2023

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Supersedes: August 18, 2022

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
Texas Code of Criminal Procedure Sections 42A.053 and 42A.054
Texas Health and Safety Code Section 481.134

POLICY: The Texas Board of Pardons and Paroles (Board) adopts the distance of 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, Government Code.

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.

DEFINITIONS:

Child safety zone – the distance an offender shall not go in, on, or within the 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 Section 481.134 Drug-Free Zones, Texas Health and Safety Code.

Standardized distance – the Board’s established distance for child safety zones.

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 Section 508.187(a), Government Code.
- 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 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 Section 508.187(b-1) or 508.225(a-1), Government Code.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 27TH DAY OF JULY, 2023.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*