

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

NUMBER: PD/POP-3.6.5

DATE: 12/5/13

PAGE: 1 of 4

SUPERSEDES: 11/07/05

SUBJECT: CHILD SAFETY ZONES

AUTHORITY: TEXAS GOVERNMENT CODE ANN. §§ 508.187, 508.225; TEXAS ATTORNEY GENERAL OPINION NO. GA-0526 (2007)

POLICY: To establish policy and procedures regarding guidelines for child safety zones.

PROCEDURE:

I. CHILD SAFETY ZONES FOR SEX OFFENDERS

A. Clients who are statutorily required to abide by child safety zones shall either have a Board of Pardons and Paroles (BPP) imposed condition (0.06 – Child Safety Zone) or the child safety zone component selected if the client has Special Condition “X” – Sex Offender Program. If Special Condition “X” is imposed and the sex offense(s) was against a child, the child safety zone component is mandatory and shall be selected pursuant to PD/POP-3.6.2, *Sex Offender Supervision Guidelines*. By law, child safety zones apply to clients who are serving a sentence for an offense listed below and whose victim was a child younger than seventeen (17) years of age. Applicable Penal Code sections are:

1. 20.04(a)(4) Aggravated Kidnapping with Intent to Violate or Abuse Sexually
2. 20A.02 Trafficking a Person if the client:
 - a. Trafficked the victim with the intent or knowledge that the victim would engage in sexual conduct, as defined by Section 43.25, Penal Code; or
 - b. Benefitted from participating in a venture that involved a trafficked victim engaging in sexual conduct, as defined by Section 43.25, Penal Code.
3. 21.02 Continuous Sexual Abuse of a Young Child or Children
4. 21.11 Indecency with a Child

5. 22.011 Sexual Assault
6. 22.021 Aggravated Sexual Assault
7. 25.02 Prohibited Sexual Conduct
8. 30.02(d) Burglary of a Habitation with intent to commit a sex offense listed in section I.A.2 – 7
9. 43.05(a) (2) Compelling Prostitution
10. 43.25 Sexual Performance by a Child
11. 43.26 Possession or Promotion of Child Pornography

B. In addition, child safety zones shall apply to clients who have Special Condition “X” – Sex Offender Program and the victim of the sex offense was younger than seventeen (17) years of age. If Special Condition “X” is imposed and the sex offense(s) was against a child, the child safety zone component is mandatory and shall be selected pursuant to PD/POP-3.6.2, *Sex Offender Supervision Guidelines*.

C. The BPP has established 500 feet as the standard distance for a child safety zone. The 500 feet, or the distance specified by the BPP, shall be measured from property line to property line.

D. The child safety zone condition for sex offenders requires that clients shall:

1. Not supervise or participate in **any** program that regularly provides athletic, civic, or cultural activities and includes, as participants or recipients, persons who are seventeen (17) years of age or younger;
2. Not go in, on, or within the distance specified by the BPP Panel of premises where children commonly gather, including a school, daycare facility, playground, public or private youth center, public swimming pool, or video arcade facility; and
3. Attend a sex offender treatment program as specified by the supervising parole officer.

E. In some areas in Texas, cities have established a city ordinance greater than 500 feet. Parole officers shall be aware of the distance in the event a city ordinance has been established in their area. If the distance set by the city ordinance differs from the distance set by the BPP, the client shall comply with the greatest distance.

II. PERMISSION FOR SEX OFFENDERS TO ENTER A CHILD SAFETY ZONE

A. Parole officers may, on an event-by-event basis, permit a sex offender to enter a child safety zone if **all** the following criteria are met:

1. The client has served at least two (2) years of the supervision period;

2. The client enters the child safety zone as part of a program to reunite with the client's family;
 3. The client presents to the parole officer a written proposal specifying where the client intends to go within the child safety zone, why, and with whom the client is going, and the client has an approved high-risk plan to include how the client intends to cope with any stressful situations that occur;
 4. The sex offender treatment provider treating the client agrees with the parole officer that the client should be allowed to attend the event; and
 5. The parole officer and treatment provider agree on a chaperone to accompany the client and the chaperone agrees to perform that duty.
- B. The parole officer shall provide written instructions via an Advisement Form when giving the client permission to enter a child safety zone that meets the criteria listed above.

III. TRAVEL ROUTES

If a sex offender is subject to child safety zones, the parole officer shall instruct the client using the Advisement Form that all travel requires a Travel Route Information Form (SP-0082). The parole officer shall complete the Sex Offender Travel Route Information Form (SP-0082) within five (5) business days of the client's arrival or if a change of residence, employer, treatment location or routes needed for daily living occurs. The parole officer will discuss with the client routes to and from employment, treatment, and other authorized activities, in order to avoid child safety zones.

IV. CHILD SAFETY ZONES FOR 3(g) OFFENDERS

A. The use of child safety zones was expanded by the 76th Legislature to include clients with 3(g) (a) (1) and (2) offenses as listed in the Texas Code of Criminal Procedure, Article 42.12, C.C.P., **if** the BPP requires it as a condition of release. Officers shall not select the child safety zone component for sex offenders who have an offense listed below unless they meet the criteria in section I.A of this policy. Applicable offenses are:

- | | | |
|----|--------|---|
| 1. | 15.03 | Criminal Solicitation if the offense is punishable as a first degree felony |
| 2. | 19.02 | Murder |
| 3. | 19.03 | Capital murder |
| 4. | 20A.02 | Trafficking a Person |
| 5. | 20.04 | Aggravated Kidnapping |
| 6. | 22.011 | Sexual Assault |
| 7. | 22.021 | Aggravated Sexual Assault |

8. 22.04(a) (1) Injury to a Child
9. 29.03 Aggravated robbery
10. 30.02(d) Burglary if with intent to commit a felony under the following sections:
 - a. 21.02 Continuous Sexual Abuse of a Young Child or Children
 - b. 21.11 Indecency with a Child
 - c. 22.011 Sexual Assault
 - d. 22.021 Aggravated Sexual Assault
 - e. 25.02 Prohibited Sexual Conduct
11. 43.05 Compelling Prostitution
12. An affirmative finding that a deadly weapon was used or exhibited during the commission of a felony offense.
13. Chapter 481, Health and Safety Code for which punishment is increased under:
 - a. Section 481.140 (Use of a child in the commission of an offense)
 - b. Section 481.134(c), (d), (e), or (f) (Drug Free Zone) if it is shown that the client was previously convicted of an offense for which punishment was increased.

Note: Other 3(g) offenses are addressed under Section I.A of this policy.

- B. Specific child safety zone conditions for 3(g) clients with conditions imposed by the BPP require that clients shall:
1. Not supervise or participate in **any** program that includes as participants or recipients persons who are seventeen (17) years of age or younger and that regularly provides athletic, civic, or cultural activities; and
 2. Not go in, on, or within a distance specified by the BPP Panel of, a premises where children commonly gather, including a school, daycare facility, playground, public or private youth center, public swimming pool, or video arcade facility.

Stuart Jenkins
Director, Parole Division