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# Texas Resource



## THE LEGISLATIVE REVIEW

### TEXAS' ASHLEY LAWS

During the 74th legislative session many new laws were passed that will have a massive impact on victims, offenders, the treatment providers of both populations, and individuals involved in the criminal justice system. It is important to know and have a basic understanding of these new laws. We have chosen a few laws to highlight that we believe will have the most impact on the populations you serve. The majority of these new laws were passed by Senator Florence Shapiro (R-Plano) as part of her landmark sex offender package named after Ashley Estell, a constituent.

#### Mandatory Sentencing of Sex Offenders

◆ A life imprisonment sentence is required if a defendant is convicted of: aggravated sexual assault; aggravated kidnapping with the intent to violate or abuse the victim sexually; burglary of a habitation with the intent to commit aggravated sexual assault; sexual assault; or indecency with a child; and if the defendant has two previous felony convictions, one of which was sexual performance by a child; possession or promotion of child pornography; aggravated sexual assault; sexual assault; indecency with a child; incest; aggravated kidnapping with the intent to violate or abuse the victim sexually; or burglary of a habitation with the intent to commit a felony sex offense.

◆ When sentenced as explained above, the offender would not become eligible for parole until 35 calendar years have been served, thus life without parole.

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## Council on Sex Offender Treatment

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## LETTER FROM THE CHAIR

**Dear Colleague:**

We as a Council, extend our condolences to the family and friends of Fay Honey Knopp. On August 10, 1995 Ms. Knopp died from cancer complications. The founder of the Safer Society Program and Press (SSPP) of Brandon, Vermont, was 76.

Fay Honey Knopp was no ordinary individual. She was a leading pioneer for sex offender treatment in this country. Although not a therapist or criminal justice employee, she was a lay person, actively involved in her ministry. Very early on she recognized that reducing the problem of sexual offenses was not merely a matter of supervision and punishment. Rather, treatment was required to assist, confront, and encourage necessary change. Clearly, she championed this cause and had a huge impact on our national community.

Most importantly, she contributed to research and the documentation of effective treatment models. Her organization became a clearinghouse for such materials. Even after she handed over the directorship of the organization, she remained active in the research department.

In Ms. Knopp's memory it is vital that we continue to carry on those activities that she felt were integral to building a safer community. We must convince both legislators and the public that treatment is necessary for individuals convicted of sexual crimes if we truly wish to reduce recidivism. This cannot happen, however, without proving the effectiveness of treatment: the reduction of child sexual assault. Therefore, treatment providers need to document accurate statistics, do quantitative research, and publish the outcomes of sex offender treatment. In this manner, we can surely remember the efforts of Fay Honey Knopp and carry forward her mission.

Sincerely,

Collier M. Cole, Ph.D., Chairperson  
Council on Sex Offender Treatment



**Continued from Cover**

◆ Requires the Board of Pardons and Paroles (BPP) to have a two-thirds vote of the full Board to grant parole to an individual who has been given the life sentence explained above for a conviction of indecency with a child where the offender engaged in sexual conduct with the child, or was convicted of aggravated sexual assault. Before voting, the BPP must receive a copy of a written report from the Texas Department of Criminal Justice (TDCJ) on the offender's recidivism. (S.B. 45).

**Sex Offender Training**

- ◆ Judges who hear cases involving family violence, sexual assault, or child abuse are now required to complete training on sex offender characteristics.
- ◆ Most state, county, special district, and municipal peace officers are now also required to complete training on sex offender characteristics (S.B. 80).

**Child Safety Zones**

- ◆ This bill creates child safety zones, which are areas where sex offenders convicted for victimizing children are strictly prohibited.
- ◆ Clearly restricts sex offenders from participating in programs that involve children and restricts them from areas where children congregate, such as schools, playgrounds, video arcades, etc.
- ◆ Provides that district judges order sex offenders to attend psychological counseling sessions.
- ◆ Judges and a parole panel (BPP) are mandated to set conditions for community supervision (probation), parole, and mandatory supervision (S.B. 111).

**Sex Offender Information Exchange**

- ◆ Permits criminal justice agencies, local law enforcement authorities, and treatment providers to exchange information about the treatment of sex offenders.
- ◆ Community supervision (probation) officers are allowed to release information to medical or mental health sex offender treatment providers. These officers are now immune from liability for releasing this information (S.B. 149).

**Elimination of Victim Polygraph Test**

- ◆ Peace officers are no longer allowed to require victims of indecency with a child, sexual assault, aggravated sexual assault, and prohibited sexual conduct between family members, to take a polygraph examination before or after charging a defendant with the offense (S.B. 222).

**Victim Notification of Offender Escape**

- ◆ TDCJ must make a reasonable attempt to immediately notify the victim, the victim's guardian, or the victim's close relative when an offender escapes from a TDCJ correctional institution (S.B. 46).

**Victim Notification of Offender Placement on Community Supervision (Probation)**

- ◆ Community supervision and corrections (probation) departments are now required to make a reasonable effort to immediately notify the victim, the victim's guardian, or the victim's close relative that the defendant has been placed on community supervision, the conditions of community supervision, and the time and location of a hearing on the modification, revocation, or termination of the community supervision. Previously, victims were notified only when offenders were placed on parole (S.B. 47).

**Victim Impact Statement**

- ◆ Allows a victim, victim's guardian, close relative of a deceased victim, or a representative of these people to make a victim impact statement at a parole hearing for the perpetrator of the crime (S.B. 48).

For further information or copies of these laws, please call the Senate Research office at (512) 463-0010.



## Texas Department of Public Safety

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### Sex Offender Registration and Notification

**P**ossibly the most substantial law passed during the 74th legislative session that pertains to sex offenders was the extensive amendments to the existing sex offender registration law. Following is a brief summary of the newest amendments to the law.

◆ This law applies to adult and juvenile sex offenders convicted of indecency with a child, sexual assault, aggravated sexual assault, prohibited sexual conduct (incest), sexual performance by a child, possession or promotion of child pornography, aggravated kidnapping or burglary with the intent to violate the victim sexually, and a second conviction of indecent exposure. The law also applies to an offender convicted of attempting to perform one of the crimes above and deferred adjudication for one of the above offenses.

◆ Previously the responsibility for registration lay with the offender. The new law requires judges and penal institutions to follow through on sex offender registration.

◆ The law requires that a new Department of Public Safety Sex Offender Registration Form be filed. This form includes that a photograph of the offender, a complete set of the offender's fingerprints, the offender's shoe size, and the age of the offender's victim be submitted with the information required for registration.

◆ In an effort to strengthen the notification system, the Texas Department of Criminal Justice (TDCJ) is required to send the offender's completed registration form to the applicable local law enforcement authority when the sex offender is due to be released from a penal institution.

◆ Also, the offender is required to verify registration with the local law enforcement authority in any municipality where the offender resides or intends to reside for more than seven days.

◆ Furthermore, when sex offenders intend to change their address, they are required to report in person to the local law enforcement authority with whom they last registered, and to the community supervision and corrections department officer or the parole officer supervising them, to inform them of the anticipated move date and new address. This action is to take place seven (7) days before the offender actually moves.

◆ The law now mandates that communities must be notified when an adult sex offender moves into the area if the victim's age is under 17 years. This mandate does not apply if the offender is a juvenile, received deferred adjudication, or is convicted of incest. The local law enforcement authority is required to publish notice in English and Spanish in at least one newspaper of general circulation in the county in which the offender intends to reside. If such an offender is placed on community supervision or parole, the offender must pay the cost of the newspaper announcement. If the victim is under 17 years of age, regardless of the disposition received, the authority must also provide notice to the superintendent of the public schools of the school district in which the offender intends to reside.

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## Texas Crime Victims' Institute

In an effort to re-focus the criminal justice system from only offender issues to a stronger focus on victims' issues, the 74th Legislature created the Texas Crime Victims' Institute. The Institute will be administered by the Office of the Texas Attorney General. A sixteen member advisory council will be appointed by Attorney General, Dan Morales, to guide the Institute. The Institute's primary focus will be on generating research concerning victims of crime. It will concern itself with researching the various types and levels of impact that crime has on a victim. The Institute will also study victim service providers, law enforcement personnel, and community residents. The Institute will provide the Texas government and legislature with the vital information about crime that it requires to make sound governmental policies and legislation assisting the victims of crime.

The Institute will be providing the government its first source of empirical data concerning crime victims that it can utilize for criminal justice and juvenile justice policy development. It will study what services already exist for victims, what gaps now exist in these services, and what can be done to improve these services and their delivery throughout the state. The Institute will be looking for the most successful programs, identifying the elements that make these programs so successful, and quantifying these elements for replication elsewhere. This should improve the effectiveness and efficiency of victim services throughout the state. The Texas Attorney General's Office is dedicated to the success of the Texas Crime Victims' Institute and to providing services to crime victims throughout the state of Texas.

For more information, please call the Texas Attorney General Public Information Office at (512) 936-1233.

## S.T.O.P. Violence Against Women Act Grant Program (Services ♦ Training ♦ Officers ♦ Prosecutors)

Texas was recently awarded a \$426,000 grant from the federal Violence Against Women Act. The money will be used toward long term, continual planning to address violence against women. The process began when Governor Bush created the S.T.O.P. Violence Against Women Planning Council in May, 1995. The Planning Council is charged with developing a statewide strategy under the leadership of the Governor's Criminal Division to effect a more proactive response in the criminal justice system regarding violence against women. For the plan to work effectively, an integrated response of the various legal, governmental, criminal justice, and victim services agencies must be coordinated.

Of the seven legislatively authorized purpose areas in the Violence Against Women Act, the Planning Council has identified the following priorities for first year funding:

- ♦ training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including sexual assault and domestic violence;
- ♦ developing or expanding specialized units of law enforcement officers and prosecutors targeting violent crimes against women, including sexual assault and domestic violence; and
- ♦ developing or enhancing victim service programs, including sexual assault and domestic violence programs. Included in this provision is the effort to improve services to various minority women.

The above initiatives do not include the complete list of possible funding activities. Contributing to this effort is vital to its success. For information, please contact Carol Funderburgh, Director of Victim Services, Criminal Justice Division, Office of the Governor, at (512) 463-1919.



## Voluntary Castration Bill Made Progress: Bivins to Re-introduce Next Session

State Senator Teel Bivins (R-Amarillo) will reintroduce a bill to allow repeat child molesters to choose surgical castration as a form of treatment. This past year Senator Bivins introduced a similar bill. The bill passed the Senate and landed in the Calendars Committee of the House of Representatives. Senator Bivins' proposal made vital progress last year and promises to be a very strong bill with a good chance of passage during the 75th legislative session.

Under Senator Bivins' proposal, which would not reduce the length of an offender's prison sentence, surgical castration would be available only to child molesters who:

- ❶ volunteer for the procedure;
- ❷ have been convicted of at least one prior sex offense against children;
- ❸ admit their guilt to the crime or crimes;
- ❹ are screened by a psychiatrist and a psychologist; and,
- ❺ are at least 21 years old.

"In European countries that have used voluntary castration, recidivism rates have dropped below 11%. Some studies show recidivism rates as low as 2%. The results speak for themselves," Bivins Said. "In America, where incarceration, therapy and counseling are used, about half of all sex offenders are re-arrested, but the actual rates [of re-victimization] are probably higher due to under-reporting by victims."

Voluntary surgical castration would deny child molesters testosterone produced by the testicles, thus decreasing their sexual impulses. "I've received letters from convicted child molesters requesting surgical castration because they know they can't control their sexual urges once they're released from prison," Bivins added.

It should be noted that many European countries have replaced physical castration with the option of chemical castration. Countries such as Denmark have found that they have been able to lower recidivism rates with chemical castration as much as they have with physical castration. The chemical with the best desired effects, and the least negative side effects is cyproterone acetate (CPA). CPA is not available in the U.S., and Depo Provera has serious side effects that far exceed the negative side effects of physical castration. However, since Depo Provera is not a permanent treatment, it offers offenders a viable treatment alternative. Because of the very low recidivism rates reported by European countries that use physical castration, the Council on Sex Offender Treatment is closely following the progress of Senator Bivins' bill.

## Sex Offender Registration and Notification

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◆ The offender does have the right to request and receive an injunctive relief from a district court to restrain a local law enforcement authority from publishing notice in the newspaper if the offender can prove by a preponderance of the evidence that the notice would place the offender's health and well-being in immediate danger.

◆ Finally, the law opens portions of a sex offender registration database to the public. The law requires the Texas Department of Public Safety to maintain a computerized central database of registered sex offenders. The database will not include the offender's photograph, social security number, driver's license number, numeric street address, telephone number, or any identifying information about the victim. For an administrative fee, this database will be available to the public by written request to their local law enforcement agency (S.B. 267).

For more information, contact Paul Jordan at (512) 465-2200 x3213.



### Joint Polygraph Committee for Offender Testing

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**Irma Rodriguez**  
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**Debbie Moore**  
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**Stuart Irvin**  
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**Andy Sheppard**  
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**Mike Gouglar**  
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**Eliza May**  
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Resource Person

**Bryan Perot**  
Polygraph Examiners Board, Executive  
Officer, Subcommittee Resource Person

## The Clinical Polygraph Examination of Sex Offenders

by: **David Cory, CSOT and Eric J. Holden, TAPE**  
Co-chairs of the Joint Polygraph Committee for Offender Testing

A year ago, the Texas Association of Polygraph Examiners (TAPE) and the Council on Sex Offender Treatment (CSOT) launched a major initiative to address the development of professional standards and guidelines for conducting polygraph examinations of sex offenders. Recognizing the need to involve the users of those examinations, specifically, the treatment and supervision professionals, the Council was approached by TAPE about a joint effort. After discussion, the Council recognized the significant value that properly conducted clinical polygraph examinations can have on the treatment and supervision of sex offenders, and the importance of educating therapists, probation and parole officers, courts and judges, and others about this important tool.

At the direction of TAPE President, Kathy Kampschroeder, and Collier Cole, Council Chairperson, a committee was formed to draft proposed guidelines for sex offender testing. Working in consultation with nationally known experts through the fall and winter of 1994, the guidelines were presented for approval by the Council and the Polygraph Examiners Board (Board) in early 1995.

A critical goal of the Guidelines is to promote understanding concerning the clinical polygraph's use as a diagnostic tool. It's utility, i.e., its ability to elicit admissions and allow formation of opinions concerning deception, will only remain available if examiners rely on methods that are scientifically valid, reliable, and defensible. By emphasizing methods with established validity and reliability, the Guidelines seek to protect examination subjects, treatment providers, and polygraph examiners.

The Council voted to approve the Guidelines in late January, 1995, pending approval by the Board, and to continue working with the polygraph profession to disperse the recommended Guidelines throughout the therapeutic and supervision communities. In April 1995, the Board voted its approval of the guidelines and, with the Council, endorsed the forming a committee with representatives of each of the participating professions and professional associations. On July 13, 1995 the committee held its first formal meeting in Austin, Texas. Officers were elected, subcommittees were formed, and implementation of the Guidelines was begun. The committee is developing a structure for recognizing training hours, maintaining a roster of examiners meeting training requirements, and a method for disseminating that roster of examiners with the State Board and the Council. (Please see side-bar for committee members.)

The Guidelines have attracted significant interest outside of Texas. Numerous states and associations have already inquired about the guidelines and the training criteria. This accomplishment has been achieved by a combined effort of the polygraph, therapeutic, and supervision communities. Texas should be proud of this milestone, and continue to provide leadership in setting standards for the polygraph community and in demonstrating the ability of the polygraph and therapeutic professions to work jointly for the public safety of society. Texans will only benefit from this joint endeavor.



### Training Calendar

#### December 7-8, 1995

*Assessment and Treatment of Children with Sexual Behavior Problems*, Specialized Training Services, Inc. Dallas, Texas. For information, call (800) 848-1226

#### January 1996

*24 Day Postgraduate Course in Sex Offender Evaluation and Treatment*, Wisconsin Sex Offender Treatment Network Madison, Wisconsin. For information, call (608) 829-3880.

#### February 4-9, 1996

*Effective Interventions With High Risk Offenders*, U.S. Department of Justice: National Institute of Corrections Longmont, Colorado. For information, call (800) 877-1461

#### March 31-April 5, 1996

*Cognitive Approaches to Changing Offender Behavior*, U.S. Department of Justice: National Institute of Corrections Longmont, Colorado. For information, call (800) 877-1461

### Announcements

**Tom Burditt** announces *Supervision for Sex Offender Therapists*. Individual and/or group supervision. Focus on all aspects of treatment. For more information, call (512) 322-0209.



#### Council on Sex Offender Treatment Staff

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