

Prosecuting Sexual Predators

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Prosecuting offenders for sexual assault and other criminal charges related to sexual assault continues to be a highly debated issue in society. The reason for this is that many actions committed by offenders are considered; however, these actions are often defined as different concepts within different jurisdictions. Statutes have been enacted in various states in America due to consideration of certain civil commitments for sex offenders who are considered to be violent. Like many other states, Texas statutes mandate that sexual predators with abnormal mental diagnoses serve involuntary civil commitments. However, no legislation has been passed in Texas that allows these particular sex offenders to receive inpatient treatment when committed to civil confinement (Gannon, Rose & Ward, 2008). Therefore, this article focuses on statutes that govern the prosecution of sexual predators in the state of Texas and the effectiveness of these statutes in deterring this crime.

According to legislation in Texas mandated in 2007, the punishment for sex offenders has been increased. One of these measures condemns repeat sex offenders for first degree violent sexual offenses to punishment by death or a life sentence without the possibility of parole. However, this applies when the victims are 14 years old and younger. A sexually violent offense is defined as indecency against a child that may also involve some or all of the following offenses: sexual assault, sexual contact, aggravated sexual assault, forcing a child's sexual performance, and burglaries committed with the intent to commit any of these sexual offenses. Previously, only certain types of murder crimes resulted in the death penalty for the perpetrator (Reimers & Edgerly, 1999). These murders were those committed that also included aggravated sexual assault. In the past, the increased severity of the punishment for aggravated sexual assault against a minor child of 14 years and younger only resulted in a maximum of life in prison (Texas Legislative Council, 2007).

In addition, repeat sex offenders were given increased sanctions under TCCSVPA (Texas Civil Commitment of Sexually Violent Predators Act). This act mandated that after a repeat sexual offender was released from confinement, that person was committed to outpatient treatment through the court system. This type of treatment is particularly for people deemed to have the type of behavioral disorders that predispose them to a tendency toward committing sexual offenses. During the offenders' time of treatment, they are excluded for substance abuse tests, child safety zones, GPS tracking, and registration after every 30 days as well as various other restrictions. According to the TCCSVPA program, the tracking is in real time for all of the offender's locations and provides cumulative reports. This applies to offenders who were committed to the program on or before the date of the law's enactment (Texas Legislative Council, 2007).

This legislation also served the purpose of increasing penalties for felonies involving minors younger than 14 years old. Indecencies of contact with children and sexual performance by a child involved victims younger than 14 years, of which penalties were increased to first degree charges. These are punishable by life in prison and/or a minimum of five years up to 99 years in prison and a maximum of a \$10,000 fine. Legislation was also enacted that prohibited a defendant from raising issue to lower the penalty at the time of sentencing. This means that when a defendant is convicted of kidnapping a minor who is 14 years old or younger, the defendant is liable for punishment according to the definition of a first degree felony. This does not depend on whether the crime was proven by the defense attorney or not, that an intent to commit sexual offense occurred (Texas Legislative Council, 2007).

Sexual offenders were also removed from eligibility for parole, especially for crimes where the victims are 14 years old and younger. Offenders sentenced to life in prison for sexual

offenses involving indecency with a child that may also involve any of the following: sexual contact, sexual assault, forcing a child's sexual performance, aggravated sexual assault, and burglaries committed with the intent to commit any of sexual offenses listed, are also not eligible for parole. In addition, for sexually violent cases, the statute of limitation for prosecution has increased. This affects offenders who commit crimes against victims under the age of 17 years and the sentence has been increased to up to 20 years in prison; previously it was up to 10 years (Texas Legislative Council, 2007).

Statutes for sexual crimes and sexual violent crimes against children are neither above nor below consideration of the nature of the crime being articulated. There have been many times with criminals hide behind loose legislation, so that they can get away with crimes that violate the sanctity of human life. Judges do not make determinations of their discretion; however, their decisions are clearly guided by the law, which clearly defines all different types of sexual offenses. The growing number of sexual assault cases, particularly against children, have caused the push for rigid measures against sexual predators. After several deliberations, it was found that the death penalty was the only punishment capable of rectifying this issue and hopefully force repeat sexual offenders to think twice before committing this type of offense again.

### References

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