

By: Jetton, Leo-Wilson, Cook

H.B. No. 964

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the applicability of sex offender registration  
3 requirements to the offense of improper relationship between  
4 educator and student.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article [62.001](#)(5), Code of Criminal Procedure,  
7 is amended to read as follows:

8 (5) "Reportable conviction or adjudication" means a  
9 conviction or adjudication, including an adjudication of  
10 delinquent conduct or a deferred adjudication, that, regardless of  
11 the pendency of an appeal, is a conviction for or an adjudication  
12 for or based on:

13 (A) a violation of Section [21.02](#) (Continuous  
14 sexual abuse of young child or disabled individual), [21.09](#)  
15 (Bestiality), [21.11](#) (Indecency with a child), [21.12](#) (Improper  
16 relationship between educator and student), [22.011](#) (Sexual  
17 assault), [22.021](#) (Aggravated sexual assault), or [25.02](#) (Prohibited  
18 sexual conduct), Penal Code;

19 (B) a violation of Section [43.04](#) (Aggravated  
20 promotion of prostitution), [43.05](#) (Compelling prostitution), [43.25](#)  
21 (Sexual performance by a child), or [43.26](#) (Possession or promotion  
22 of child pornography), Penal Code;

23 (B-1) a violation of Section [43.021](#)  
24 (Solicitation of Prostitution), Penal Code, if the offense is

1 punishable as a felony of the second degree;

2 (C) a violation of Section 20.04(a)(4)  
3 (Aggravated kidnapping), Penal Code, if the actor committed the  
4 offense or engaged in the conduct with intent to violate or abuse  
5 the victim sexually;

6 (D) a violation of Section 30.02 (Burglary),  
7 Penal Code, if the offense or conduct is punishable under  
8 Subsection (d) of that section and the actor committed the offense  
9 or engaged in the conduct with intent to commit a felony listed in  
10 Paragraph (A) or (C);

11 (E) a violation of Section 20.02 (Unlawful  
12 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),  
13 Penal Code, if, as applicable:

14 (i) the judgment in the case contains an  
15 affirmative finding under Article 42.015; or

16 (ii) the order in the hearing or the papers  
17 in the case contain an affirmative finding that the victim or  
18 intended victim was younger than 17 years of age;

19 (F) the second violation of Section 21.08  
20 (Indecent exposure), Penal Code, but not if the second violation  
21 results in a deferred adjudication;

22 (G) an attempt, conspiracy, or solicitation, as  
23 defined by Chapter 15, Penal Code, to commit an offense or engage in  
24 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

25 (H) a violation of the laws of another state,  
26 federal law, the laws of a foreign country, or the Uniform Code of  
27 Military Justice for or based on the violation of an offense

1 containing elements that are substantially similar to the elements  
2 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),  
3 (G), (J), (K), or (L), but not if the violation results in a  
4 deferred adjudication;

5 (I) the second violation of the laws of another  
6 state, federal law, the laws of a foreign country, or the Uniform  
7 Code of Military Justice for or based on the violation of an offense  
8 containing elements that are substantially similar to the elements  
9 of the offense of indecent exposure, but not if the second violation  
10 results in a deferred adjudication;

11 (J) a violation of Section 33.021 (Online  
12 solicitation of a minor), Penal Code;

13 (K) a violation of Section 20A.02(a)(3), (4),  
14 (7), or (8) (Trafficking of persons), Penal Code; or

15 (L) a violation of Section 20A.03 (Continuous  
16 trafficking of persons), Penal Code, if the offense is based partly  
17 or wholly on conduct that constitutes an offense under Section  
18 [20A.02](#)(a)(3), (4), (7), or (8) of that code.

19 SECTION 2. The change in law made by this Act applies only  
20 to an offense committed on or after the effective date of this Act.  
21 An offense committed before the effective date of this Act is  
22 governed by the law in effect on the date the offense was committed,  
23 and the former law is continued in effect for that purpose. For  
24 purposes of this section, an offense was committed before the  
25 effective date of this Act if any element of the offense occurred  
26 before that date.

27 SECTION 3. This Act takes effect September 1, 2023.