

By: Metcalf

H.B. No. 2560

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a county to restrict sex offenders from
3 child safety zones in the unincorporated area of the county;
4 creating a criminal offense.

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

6 SECTION 1. Subchapter [Z](#), Chapter [351](#), Local Government
7 Code, is amended by adding Section 351.905 to read as follows:

8 Sec. 351.905. LIMITATIONS ON REGISTERED SEX OFFENDERS IN
9 UNINCORPORATED AREA OF COUNTY. (a) In this section:

10 (1) "Child safety zone" means premises where children
11 commonly gather. The term includes a school, day-care facility,
12 playground, public or private youth center, public swimming pool,
13 video arcade facility, or other facility that regularly holds
14 events primarily for children. The term does not include a church,
15 as defined by Section [544.251](#), Insurance Code.

16 (2) "Playground," "premises," "school," "video arcade
17 facility," and "youth center" have the meanings assigned by Section
18 [481.134](#), Health and Safety Code.

19 (3) "Registered sex offender" means an individual who
20 is subject to the registration requirements of Chapter [62](#), Code of
21 Criminal Procedure.

22 (b) To provide for the public safety, the commissioners
23 court of a county by order may restrict a registered sex offender
24 from going in, on, or within a specified distance of a child safety

1 zone in the unincorporated area of the county.

2 (c) It is an affirmative defense to prosecution of an
3 offense under the order that the registered sex offender was in, on,
4 or within a specified distance of a child safety zone for a
5 legitimate purpose, including transportation of a child that the
6 registered sex offender is legally permitted to be with,
7 transportation to and from work, and other work-related purposes.

8 (d) The order may establish a distance requirement
9 described by Subsection (b) at any distance of not more than 1,000
10 feet.

11 (e) The order must establish procedures for a registered sex
12 offender to apply for an exemption from the order.

13 (f) The order must exempt a registered sex offender who
14 established residency in a residence located within the specified
15 distance of a child safety zone before the date the order is
16 adopted. The exemption must apply only to:

17 (1) areas necessary for the registered sex offender to
18 have access to and to live in the residence; and

19 (2) the period the registered sex offender maintains
20 residency in the residence.

21 (g) A person commits an offense if the person violates an
22 order adopted under this section and the order defines the
23 violation as an offense. An offense under this subsection is a
24 Class C misdemeanor.

25 SECTION 2. This Act takes effect September 1, 2023.