

By: Schatzline, Cook, Leach, Plesa, Bowers

H.B. No. 4061

Substitute the following for H.B. No. 4061:

By: Moody

C.S.H.B. No. 4061

A BILL TO BE ENTITLED

1 AN ACT
2 relating to prohibiting a registered sex offender in certain
3 circumstances from going within a certain distance of the residence
4 of a victim of any offense committed by the offender for which the
5 offender is subject to registration.

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

7 SECTION 1. This Act may be cited as Brooke's Boundary.

8 SECTION 2. Article 62.053(a), Code of Criminal Procedure,
9 is amended to read as follows:

10 (a) Before a person who will be subject to registration
11 under this chapter is due to be released from a penal institution,
12 the Texas Department of Criminal Justice or the Texas Juvenile
13 Justice Department shall determine the person's level of risk to
14 the community using the sex offender screening tool developed or
15 selected under Article 62.007 and assign to the person a numeric
16 risk level of one, two, or three. Before releasing the person, an
17 official of the penal institution shall:

18 (1) inform the person that:

19 (A) not later than the later of the seventh day
20 after the date on which the person is released or after the date on
21 which the person moves from a previous residence to a new residence
22 in this state or not later than the first date the applicable local
23 law enforcement authority by policy allows the person to register
24 or verify registration, the person must register or verify

1 registration with the local law enforcement authority in the
2 municipality or county in which the person intends to reside;

3 (B) not later than the seventh day after the date
4 on which the person is released or the date on which the person
5 moves from a previous residence to a new residence in this state,
6 the person must, if the person has not moved to an intended
7 residence, report to the applicable entity or entities as required
8 by Article 62.051(h) or (j) or 62.055(e);

9 (C) not later than the seventh day before the
10 date on which the person moves to a new residence in this state or
11 another state, the person must report in person to the local law
12 enforcement authority designated as the person's primary
13 registration authority by the department and to the juvenile
14 probation officer, community supervision and corrections
15 department officer, or parole officer supervising the person;

16 (D) not later than the 10th day after the date on
17 which the person arrives in another state in which the person
18 intends to reside, the person must register with the law
19 enforcement agency that is identified by the department as the
20 agency designated by that state to receive registration
21 information, if the other state has a registration requirement for
22 sex offenders;

23 (E) not later than the 30th day after the date on
24 which the person is released, the person must apply to the
25 department in person for the issuance of an original or renewal
26 driver's license or personal identification certificate and a
27 failure to apply to the department as required by this paragraph

1 results in the automatic revocation of any driver's license or
2 personal identification certificate issued by the department to the
3 person;

4 (F) the person must notify appropriate entities
5 of any change in status as described by Article 62.057;

6 (G) certain types of employment are prohibited
7 under Article 62.063 for a person with a reportable conviction or
8 adjudication for a sexually violent offense involving a victim
9 younger than 14 years of age and occurring on or after September 1,
10 2013;

11 (H) certain locations of residence are
12 prohibited under Article 62.064 for a person with a reportable
13 conviction or adjudication for an offense occurring on or after
14 September 1, 2017, except as otherwise provided by that article;
15 ~~and~~

16 (I) if the person enters the premises of a school
17 as described by Article 62.065 and is subject to the requirements of
18 that article, the person must immediately notify the administrative
19 office of the school of the person's presence and the person's
20 registration status under this chapter; and

21 (J) the person may not go within 2,500 feet of the
22 residence of a victim of any offense for which the person is subject
23 to registration under this chapter unless the victim moves to a
24 residence that is within 2,500 feet of the person's residence;

25 (2) require the person to sign a written statement
26 that the person was informed of the person's duties as described by
27 Subdivision (1) or Subsection (g) or, if the person refuses to sign

1 the statement, certify that the person was so informed;

2 (3) obtain the address or, if applicable, a detailed
3 description of each geographical location where the person expects
4 to reside on the person's release and other registration
5 information, including a photograph and complete set of
6 fingerprints; and

7 (4) complete the registration form for the person.

8 SECTION 3. Subchapter B, Chapter 62, Code of Criminal
9 Procedure, is amended by adding Article 62.066 to read as follows:

10 Art. 62.066. PROXIMITY TO CERTAIN LOCATIONS. (a) Except as
11 provided by Subsection (b), a person subject to registration under
12 this chapter may not go within 2,500 feet of the residence of a
13 victim of any offense for which the person is subject to
14 registration under this chapter.

15 (b) This article does not apply to a person subject to
16 registration under this chapter if the victim described by
17 Subsection (a) moves to a residence that is within 2,500 feet of the
18 person's residence.

19 SECTION 4. The change in law made by this Act in amending
20 Chapter 62, Code of Criminal Procedure, applies to a person who is
21 required to register under Chapter 62, Code of Criminal Procedure,
22 on or after the effective date of this Act, regardless of whether
23 the offense or conduct for which the person is required to register
24 occurs before, on, or after the effective date of this Act.

25 SECTION 5. This Act takes effect September 1, 2023.