

1-1 By: Schatzline, et al. (Senate Sponsor - Hughes) H.B. No. 4061
1-2 (In the Senate - Received from the House May 10, 2023;
1-3 May 12, 2023, read first time and referred to Committee on State
1-4 Affairs; May 21, 2023, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 21, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19			X	

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 4061 By: Hughes

1-21 A BILL TO BE ENTITLED
1-22 AN ACT

1-23 relating to prohibiting a registered sex offender in certain
1-24 circumstances from going within a certain distance of the residence
1-25 of the victim of the offense for which the offender is subject to
1-26 registration.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. This Act may be cited as Brooke's Boundary.

1-29 SECTION 2. Article 62.053(a), Code of Criminal Procedure,
1-30 is amended to read as follows:

1-31 (a) Before a person who will be subject to registration
1-32 under this chapter is due to be released from a penal institution,
1-33 the Texas Department of Criminal Justice or the Texas Juvenile
1-34 Justice Department shall determine the person's level of risk to
1-35 the community using the sex offender screening tool developed or
1-36 selected under Article 62.007 and assign to the person a numeric
1-37 risk level of one, two, or three. Before releasing the person, an
1-38 official of the penal institution shall:

1-39 (1) inform the person that:

1-40 (A) not later than the later of the seventh day
1-41 after the date on which the person is released or after the date on
1-42 which the person moves from a previous residence to a new residence
1-43 in this state or not later than the first date the applicable local
1-44 law enforcement authority by policy allows the person to register
1-45 or verify registration, the person must register or verify
1-46 registration with the local law enforcement authority in the
1-47 municipality or county in which the person intends to reside;

1-48 (B) not later than the seventh day after the date
1-49 on which the person is released or the date on which the person
1-50 moves from a previous residence to a new residence in this state,
1-51 the person must, if the person has not moved to an intended
1-52 residence, report to the applicable entity or entities as required
1-53 by Article 62.051(h) or (j) or 62.055(e);

1-54 (C) not later than the seventh day before the
1-55 date on which the person moves to a new residence in this state or
1-56 another state, the person must report in person to the local law
1-57 enforcement authority designated as the person's primary
1-58 registration authority by the department and to the juvenile
1-59 probation officer, community supervision and corrections
1-60 department officer, or parole officer supervising the person;

2-1 (D) not later than the 10th day after the date on
2-2 which the person arrives in another state in which the person
2-3 intends to reside, the person must register with the law
2-4 enforcement agency that is identified by the department as the
2-5 agency designated by that state to receive registration
2-6 information, if the other state has a registration requirement for
2-7 sex offenders;

2-8 (E) not later than the 30th day after the date on
2-9 which the person is released, the person must apply to the
2-10 department in person for the issuance of an original or renewal
2-11 driver's license or personal identification certificate and a
2-12 failure to apply to the department as required by this paragraph
2-13 results in the automatic revocation of any driver's license or
2-14 personal identification certificate issued by the department to the
2-15 person;

2-16 (F) the person must notify appropriate entities
2-17 of any change in status as described by Article 62.057;

2-18 (G) certain types of employment are prohibited
2-19 under Article 62.063 for a person with a reportable conviction or
2-20 adjudication for a sexually violent offense involving a victim
2-21 younger than 14 years of age and occurring on or after September 1,
2-22 2013;

2-23 (H) certain locations of residence are
2-24 prohibited under Article 62.064 for a person with a reportable
2-25 conviction or adjudication for an offense occurring on or after
2-26 September 1, 2017, except as otherwise provided by that article;
2-27 [~~and~~]

2-28 (I) if the person enters the premises of a school
2-29 as described by Article 62.065 and is subject to the requirements of
2-30 that article, the person must immediately notify the administrative
2-31 office of the school of the person's presence and the person's
2-32 registration status under this chapter; and

2-33 (J) if the person was at least 17 years of age at
2-34 the time the offense for which the person is subject to
2-35 registration under this chapter was committed, the person may not
2-36 intentionally go within 2,500 feet of a place the person knows to
2-37 be the residence of the victim of the offense unless the victim
2-38 moves to a residence that is within 2,500 feet of the person's
2-39 residence;

2-40 (2) require the person to sign a written statement
2-41 that the person was informed of the person's duties as described by
2-42 Subdivision (1) or Subsection (g) or, if the person refuses to sign
2-43 the statement, certify that the person was so informed;

2-44 (3) obtain the address or, if applicable, a detailed
2-45 description of each geographical location where the person expects
2-46 to reside on the person's release and other registration
2-47 information, including a photograph and complete set of
2-48 fingerprints; and

2-49 (4) complete the registration form for the person.
2-50 SECTION 3. Subchapter B, Chapter 62, Code of Criminal Procedure, is
2-51 amended by adding Article 62.066 to read as follows:

2-52 Art. 62.066. PROXIMITY TO CERTAIN LOCATIONS. (a) Except as
2-53 provided by Subsection (b), a person subject to registration under
2-54 this chapter may not intentionally go within 2,500 feet of a place
2-55 the person knows to be the residence of the victim of the offense
2-56 for which the person is subject to registration under this chapter.
2-57 (b) This article does not apply to a person subject to registration
2-58 under this chapter if:

2-59 (1) the victim described by Subsection (a) moves to a
2-60 residence that is within 2,500 feet of the person's residence; or

2-61 (2) the person subject to registration was younger
2-62 than 17 years of age at the time the offense for which the person is
2-63 subject to registration under this chapter was committed.

2-64 SECTION 4. The change in law made by this Act in amending
2-65 Chapter 62, Code of Criminal Procedure, applies to a person who is
2-66 required to register under Chapter 62, Code of Criminal Procedure,
2-67 on or after the effective date of this Act, regardless of whether
2-68 the offense or conduct for which the person is required to register
2-69 occurs before, on, or after the effective date of this Act.

3-1 SECTION 5. This Act takes effect September 1, 2023.

3-2 * * * * *