

By: Oliverson

H.B. No. 1140

A BILL TO BE ENTITLED

1 AN ACT

2 relating to prohibiting a registered sex offender from residing
3 within a certain distance of a public primary or secondary school.

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

5 SECTION 1. Article 62.053(a), Code of Criminal Procedure,
6 is amended to read as follows:

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

15 (1) inform the person that:

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

24 (B) not later than the seventh day after the date

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

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

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

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

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

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

8 (H) certain locations of residence are
9 prohibited:

10 (i) under Article 62.064 for a person with a
11 reportable conviction or adjudication for an offense occurring on
12 or after September 1, 2017, except as otherwise provided by that
13 article; and

14 (ii) as provided by Article 62.0641; and

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

20 (2) require the person to sign a written statement
21 that the person was informed of the person's duties as described by
22 Subdivision (1) or Subsection (g) or, if the person refuses to sign
23 the statement, certify that the person was so informed;

24 (3) obtain the address or, if applicable, a detailed
25 description of each geographical location where the person expects
26 to reside on the person's release and other registration
27 information, including a photograph and complete set of

1 fingerprints; and

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

3 SECTION 2. Article 62.058(g), Code of Criminal Procedure,
4 is amended to read as follows:

5 (g) A local law enforcement authority that provides to a
6 person a registration form for verification as required by this
7 chapter shall include with the form a statement describing the
8 prohibitions [~~prohibition~~] under Articles [~~Article~~] 62.064 and
9 62.0641.

10 SECTION 3. Subchapter B, Chapter 62, Code of Criminal
11 Procedure, is amended by adding Article 62.0641 to read as follows:

12 Art. 62.0641. PROHIBITED RESIDENCE NEAR PUBLIC PRIMARY OR
13 SECONDARY SCHOOL. (a) In this article, "premises" has the meaning
14 assigned by Article 62.065.

15 (b) A person subject to registration under this chapter
16 based on a reportable conviction or adjudication for an offense
17 occurring on or after September 1, 2025, may not reside within two
18 miles of a public primary or secondary school, as measured in a
19 direct line from the boundary of the residence to the boundary of
20 the school premises.

21 (c) A person subject to registration under this chapter
22 based on a reportable conviction or adjudication for an offense
23 occurring before September 1, 2025, may not move to a residence that
24 is within two miles of a public primary or secondary school, as
25 measured in a direct line from the boundary of the residence to the
26 boundary of the school premises. A person subject to registration
27 under this chapter based on a reportable conviction or adjudication

1 for an offense occurring before September 1, 2025, who on September
2 1, 2025, resides within two miles of a public primary or secondary
3 school, as measured in a direct line from the boundary of the
4 residence to the boundary of the school premises, may continue to
5 reside in that residence after September 1, 2025.

6 SECTION 4. This Act takes effect September 1, 2025.