

By: Allen

H.B. No. 244

Substitute the following for H.B. No. 244:

By: Keel

C.S.H.B. No. 244

A BILL TO BE ENTITLED

AN ACT

1
2 relating to public notice of information regarding certain
3 registered sex offenders.

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

5 SECTION 1. Article 62.03(e), Code of Criminal Procedure, is
6 amended to read as follows:

7 (e) Not later than the eighth day after receiving a
8 registration form under Subsection (b), (c), or (d), the local law
9 enforcement authority shall verify the age of the victim, [~~the age~~
10 ~~of the person subject to registration,~~] the basis on which the
11 person is subject to registration under this chapter, and the
12 person's numeric risk level. The [~~If the victim is a child younger~~
13 ~~than 17 years of age and the basis on which the person is subject to~~
14 ~~registration is not an adjudication of delinquent conduct and is~~
15 ~~not a conviction or a deferred adjudication for an offense under~~
16 ~~Section 25.02, Penal Code, the~~] authority shall immediately publish
17 notice in English and Spanish in the newspaper of greatest paid
18 circulation in the county in which the person subject to
19 registration intends to reside or, if there is no newspaper of paid
20 circulation in that county, in the newspaper of greatest general
21 circulation in the county, except as provided by Article 62.031. If
22 the authority publishes notice under this subsection, the [~~The~~]
23 authority shall publish a duplicate notice in the newspaper, with
24 any necessary corrections, during the week immediately following

1 the week of initial publication. The local law enforcement [~~If the~~
2 ~~victim is a child younger than 17 years of age or the person subject~~
3 ~~to registration is 17 years of age or older and a student enrolled~~
4 ~~in a public or private secondary school, regardless of the basis on~~
5 ~~which the person is subject to registration, the]~~ authority shall
6 also immediately provide notice to the superintendent of the public
7 school district and to the administrator of any private primary or
8 secondary school located in the public school district in which the
9 person subject to registration intends to reside by mail to the
10 office of the superintendent or administrator, as appropriate, in
11 accordance with Article 62.032. On receipt of a notice under this
12 subsection, the superintendent shall release the information
13 contained in the notice to appropriate school district personnel,
14 including peace officers and security personnel, principals,
15 nurses, and counselors.

16 SECTION 2. Chapter 62, Code of Criminal Procedure, is
17 amended by adding Articles 62.031 and 62.032 to read as follows:

18 Art. 62.031. LIMITATIONS ON NEWSPAPER PUBLICATION. (a) A
19 local law enforcement authority may not publish notice in a
20 newspaper under Article 62.03(e) or 62.04(f) if the basis on which
21 the person is subject to registration is:

22 (1) an adjudication of delinquent conduct; or
23 (2) a conviction or a deferred adjudication for an
24 offense under Section 25.02, Penal Code, or an offense under the
25 laws of another state, federal law, or the Uniform Code of Military
26 Justice that contains elements substantially similar to the
27 elements of an offense under Section 25.02, Penal Code, if the

1 victim was at the time of the offense a child younger than 17 years
2 of age.

3 (b) In addition to the prohibition on publication
4 established under Subsection (a), a local law enforcement authority
5 may not publish notice in a newspaper under Article 62.04(f) if the
6 person subject to registration is assigned a numeric risk level of
7 one.

8 Art. 62.032. CIRCUMSTANCES REQUIRING NOTICE TO
9 SUPERINTENDENT OR SCHOOL ADMINISTRATOR. (a) A local law
10 enforcement authority shall provide notice to the superintendent
11 and each administrator under Article 62.03(e) or 62.04(f) only if:

12 (1) the victim was at the time of the offense a child
13 younger than 17 years of age or a student enrolled in a public or
14 private secondary school;

15 (2) the person subject to registration is a student
16 enrolled in a public or private secondary school; or

17 (3) the basis on which the person is subject to
18 registration is a conviction, a deferred adjudication, or an
19 adjudication of delinquent conduct for an offense under Section
20 43.25 or 43.26, Penal Code, or an offense under the laws of another
21 state, federal law, or the Uniform Code of Military Justice that
22 contains elements substantially similar to the elements of an
23 offense under either of those sections.

24 (b) A local law enforcement authority may not provide notice
25 to the superintendent or any administrator under Article 62.03(e)
26 or 62.04(f) if the basis on which the person is subject to
27 registration is a conviction, a deferred adjudication, or an

1 adjudication of delinquent conduct for an offense under Section
2 25.02, Penal Code, or an offense under the laws of another state,
3 federal law, or the Uniform Code of Military Justice that contains
4 elements substantially similar to the elements of an offense under
5 that section.

6 SECTION 3. Article 62.04(f), Code of Criminal Procedure, is
7 amended to read as follows:

8 (f) If the person moves to another municipality or county in
9 this state, the department shall inform the applicable local law
10 enforcement authority in the new area of the person's residence not
11 later than the third day after the date on which the department
12 receives information under Subsection (a). Not later than the
13 eighth day after the date on which the local law enforcement
14 authority is informed under Subsection (a) or under this
15 subsection, the authority shall verify the age of the victim, [~~the~~
16 ~~age of the person subject to registration,~~] the basis on which the
17 person is subject to registration under this chapter, and the
18 person's numeric risk level. The [~~If the victim is a child younger~~
19 ~~than 17 years of age, the basis on which the person is subject to~~
20 ~~registration is not an adjudication of delinquent conduct and is~~
21 ~~not a conviction or a deferred adjudication for an offense under~~
22 ~~Section 25.02, Penal Code, and the person is not assigned a numeric~~
23 ~~risk level of one, the] authority shall immediately publish notice
24 in English and Spanish in the newspaper of greatest paid
25 circulation in the county in which the person subject to
26 registration intends to reside or, if there is no newspaper of paid
27 circulation in that county, in the newspaper of greatest general~~

1 circulation in the county, except as provided by Article 62.031. If
2 the authority publishes notice under this subsection, the [~~The~~
3 ~~local law enforcement~~] authority shall publish a duplicate notice
4 in the newspaper, with any necessary corrections, during the week
5 immediately following the week of initial publication. The local
6 law enforcement [~~If the victim is a child younger than 17 years of~~
7 ~~age or the person subject to registration is 17 years of age or~~
8 ~~older and a student enrolled in a public or private secondary~~
9 ~~school, regardless of the basis on which the person is subject to~~
10 ~~registration or the person's numeric risk level, the~~] authority
11 shall also immediately provide notice to the superintendent of the
12 public school district and to the administrator of any private
13 primary or secondary school located in the public school district
14 in which the person subject to registration intends to reside by
15 mail to the office of the superintendent or administrator, as
16 appropriate, in accordance with Article 62.032. On receipt of a
17 notice under this subsection, the superintendent shall release the
18 information contained in the notice to appropriate school district
19 personnel, including peace officers and security personnel,
20 principals, nurses, and counselors.

21 SECTION 4. This Act takes effect September 1, 2003.