

AN ACT

relating to procedural and registration requirements for certain sex offenders.

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

SECTION 1. Section 19, Article 42.12, Code of Criminal Procedure, is amended by amending Subsection (g) and adding Subsection (h) to read as follows:

(g) If the judge places on community supervision a person required to register as a sex offender under Chapter 62, the judge shall require as a condition of community supervision that the person pay to the person's supervising officer an amount equal to [a fee that equals] the [actual] cost, as evidenced by written receipt, incurred by [to] the applicable local law enforcement authority for providing notice for publication to a newspaper as required by Chapter 62. A political subdivision served by the local law enforcement authority may bill any unpaid amount, identified separately, within a bill for a utility service provided by the political subdivision to the person and may suspend service of the utility to a person who is delinquent in payment of the amount until the delinquent claim is fully paid to the political subdivision. A community supervision and corrections department or political subdivision, as applicable, shall remit an amount [fees] collected under this subsection to the applicable local law enforcement authority [to reimburse the authority for the actual cost incurred

1 ~~by the authority, as evidenced by written receipt, for providing~~
2 ~~notice for publication to a newspaper as required by Chapter 62].~~

3 In this subsection, "utility service" means water, wastewater,
4 sewer, gas, garbage, electricity, or drainage service.

5 (h) In a community supervision revocation hearing at which
6 it is alleged only that the person violated the terms of community
7 supervision by failing to make a payment under Subsection (g) [~~this~~
8 ~~subsection~~], the inability of the person to pay as ordered by the
9 judge is an affirmative defense to revocation, which the person
10 must prove by a preponderance of the evidence.

11 SECTION 2. Subsection (b), Section 2, Article 42.22, Code
12 of Criminal Procedure, is amended to read as follows:

13 (b) The state also has a restitution lien to secure the:

14 (1) amount of fines or costs entered against a
15 defendant in the judgment in a felony criminal case;

16 (2) amount of reimbursement for costs of:

17 (A) confinement ordered under Article 42.038; or

18 (B) notice provided under Article 62.03 or 62.04;

19 and

20 (3) amount of damages incurred by the state as a result
21 of the commission of an offense under Section 38.04, Penal Code, in
22 which the defendant used a motor vehicle while the defendant was in
23 flight.

24 SECTION 3. Chapter 62, Code of Criminal Procedure, is
25 amended by adding Article 62.041 to read as follows:

26 Art. 62.041. AUTHORITY OF POLITICAL SUBDIVISION TO COLLECT
27 COSTS OF CERTAIN NOTICE. (a) In this article, "utility service"

1 means water, wastewater, sewer, gas, garbage, electricity, or
2 drainage service.

3 (b) A political subdivision served by a local law
4 enforcement authority obtaining publication of notice under
5 Article 62.03 or 62.04 may bill any unpaid amount under that
6 article, identified separately, within a bill for a utility service
7 provided by the political subdivision to the person who is the
8 subject of the notice, and may suspend service of the utility to a
9 person who is delinquent in payment of the amount until the
10 delinquent claim is fully paid to the political subdivision.

11 (c) The political subdivision shall remit an amount
12 collected under this article to the local law enforcement
13 authority.

14 SECTION 4. Article 62.05, Code of Criminal Procedure, is
15 amended to read as follows:

16 Art. 62.05. STATUS REPORT BY SUPERVISING OFFICER. (a) If
17 the juvenile probation officer, community supervision and
18 corrections department officer, or parole officer supervising a
19 person subject to registration under this chapter receives
20 information to the effect that the person's status has changed in
21 any manner that affects proper supervision of the person, including
22 a change in the person's name, physical health, job [~~status~~],
23 incarceration, or terms of release, the supervising officer shall
24 promptly notify the appropriate local law enforcement authority or
25 authorities of that change. If the person required to register
26 intends to change address, the person's supervising officer shall
27 notify the local law enforcement authorities designated by Article

1 62.04(b).

2 (b) A person subject to registration under this chapter
3 shall report to the local law enforcement authority any change in
4 status with respect to the person's name, physical health, or job
5 ~~[status]~~ not later than the seventh day after the date of the
6 change. For purposes of this subsection, a person's job status
7 changes if the person leaves employment for any reason, remains
8 employed by an employer but changes the location at which the person
9 works, or begins employment with a new employer. For purposes of
10 this subsection, a person's health status changes if the person is
11 hospitalized as a result of an illness. Regarding a change of name,
12 the notice of a proposed name change provided to a local law
13 enforcement authority as described by Sections 45.004 and 45.103,
14 Family Code, is sufficient for purposes of this subsection, except
15 that the person shall promptly notify the authority of any denial of
16 the person's petition for a change of name.

17 SECTION 5. Subsection (a), Section 45.002, Family Code, is
18 amended to read as follows:

19 (a) A petition to change the name of a child must be verified
20 and include:

21 (1) the present name and place of residence of the
22 child;

23 (2) the reason a change of name is requested;

24 (3) the full name requested for the child; ~~and~~

25 (4) whether the child is subject to the continuing
26 exclusive jurisdiction of a court under Chapter 155; and

27 (5) whether the child is subject to the registration

1 requirements of Chapter 62, Code of Criminal Procedure.

2 SECTION 6. Section 45.004, Family Code, is amended to read
3 as follows:

4 Sec. 45.004. ORDER. (a) The court may order the name of a
5 child changed if:

6 (1) the change is in the best interest of the child;
7 and

8 (2) for a child subject to the registration
9 requirements of Chapter 62, Code of Criminal Procedure:

10 (A) the change is in the interest of the public;
11 and

12 (B) the person petitioning on behalf of the child
13 provides the court with proof that the child has notified the
14 appropriate local law enforcement authority of the proposed name
15 change.

16 (b) If the child is subject to the continuing jurisdiction
17 of a court under Chapter 155, the court shall send a copy of the
18 order to the central record file as provided in Chapter 108.

19 (c) In this section, "local law enforcement authority" has
20 the meaning assigned by Article 62.01, Code of Criminal Procedure.

21 SECTION 7. Subsection (a), Section 45.102, Family Code, is
22 amended to read as follows:

23 (a) A petition to change the name of an adult must be
24 verified and include:

25 (1) the present name and place of residence of the
26 petitioner;

27 (2) the full name requested for the petitioner;

1 (3) the reason the change in name is requested; [~~and~~]

2 (4) whether the petitioner has been the subject of a
3 final felony conviction; and

4 (5) whether the petitioner is subject to the
5 registration requirements of Chapter 62, Code of Criminal
6 Procedure.

7 SECTION 8. Section 45.103, Family Code, is amended to read
8 as follows:

9 Sec. 45.103. ORDER. (a) The court shall order a change of
10 name under this subchapter for a person other than a person with a
11 final felony conviction or a person subject to the registration
12 requirements of Chapter 62, Code of Criminal Procedure, if the
13 change is in the interest or to the benefit of the petitioner and in
14 the interest of the public.

15 (b) A court may order a change of name under this subchapter
16 for a person with a final felony conviction if, in addition to the
17 requirements of Subsection (a), the person has:

18 (1) received a certificate of discharge by the pardons
19 and paroles division of the Texas Department of Criminal Justice or
20 completed a period of probation ordered by a court and not less than
21 two years have passed from the date of the receipt of discharge or
22 completion of probation; or

23 (2) been pardoned.

24 (c) A court may order a change of name under this subchapter
25 for a person subject to the registration requirements of Chapter
26 62, Code of Criminal Procedure, if, in addition to the requirements
27 of Subsection (a), the person provides the court with proof that the

1 person has notified the appropriate local law enforcement authority
2 of the proposed name change. In this subsection, "local law
3 enforcement authority" has the meaning assigned by Article 62.01,
4 Code of Criminal Procedure.

5 SECTION 9. Section 508.186, Government Code, is amended by
6 adding Subsection (a-1) and amending Subsection (b) to read as
7 follows:

8 (a-1) A political subdivision served by the local law
9 enforcement authority may bill any unpaid amount under Subsection
10 (a)(2), identified separately, within a bill for a utility service
11 provided by the political subdivision to the releasee and may
12 suspend service of the utility to a releasee who is delinquent in
13 payment of the amount until the delinquent claim is fully paid to
14 the political subdivision. In this subsection, "utility service"
15 means water, wastewater, sewer, gas, garbage, electricity, or
16 drainage service.

17 (b) The division or political subdivision, as applicable,
18 shall remit an amount collected under this section to the
19 applicable local law enforcement authority.

20 SECTION 10. (a) The change in law made by this Act in
21 amending Article 62.05, Code of Criminal Procedure, applies to a
22 person subject to registration under Chapter 62, Code of Criminal
23 Procedure, for an offense or conduct that was committed before, on,
24 or after the effective date of this Act.

25 (b) The change in law made by this Act in amending Sections
26 45.002, 45.004, 45.102, and 45.103, Family Code, applies only to a
27 petition for a change of name of a child or adult that is filed on or

1 after the effective date of this Act. A petition filed before the
2 effective date of this Act is governed by the law in effect on the
3 date the petition was filed, and the former law is continued in
4 effect for that purpose.

5 SECTION 11. This Act takes effect September 1, 2003.

S.B. No. 146

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 146 passed the Senate on March 17, 2003, by a viva-voce vote; and that the Senate concurred in House amendment on May 21, 2003, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 146 passed the House, with amendment, on May 16, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor