

By: Estes

S.B. No. 146

A BILL TO BE ENTITLED

AN ACT

relating to procedural and registration requirements for certain sex offenders who seek to change their names.

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

SECTION 1. Article 62.05, Code of Criminal Procedure, is amended to read as follows:

Art. 62.05. STATUS REPORT BY SUPERVISING OFFICER. (a) If the juvenile probation officer, community supervision and corrections department officer, or parole officer supervising a person subject to registration under this chapter receives information to the effect that the person's status has changed in any manner that affects proper supervision of the person, including a change in the person's name, physical health, job ~~[status]~~, incarceration, or terms of release, the supervising officer shall promptly notify the appropriate local law enforcement authority or authorities of that change. If the person required to register intends to change address, the person's supervising officer shall notify the local law enforcement authorities designated by Article 62.04(b).

(b) A person subject to registration under this chapter shall report to the local law enforcement authority any change in status with respect to the person's name, physical health, or job ~~[status]~~ not later than the seventh day after the date of the change. For purposes of this subsection, a person's job status

1 changes if the person leaves employment for any reason, remains
2 employed by an employer but changes the location at which the person
3 works, or begins employment with a new employer. For purposes of
4 this subsection, a person's health status changes if the person is
5 hospitalized as a result of an illness. Regarding a change of name,
6 the notice of a proposed name change provided to a local law
7 enforcement authority as described by Sections 45.004 and 45.103,
8 Family Code, is sufficient for purposes of this subsection, except
9 that the person shall promptly notify the authority of any denial of
10 the person's petition for a change of name.

11 SECTION 2. Section 45.002(a), Family Code, is amended to
12 read as follows:

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

15 (1) the present name and place of residence of the
16 child;

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

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

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

21 (5) whether the child is subject to the registration
22 requirements of Chapter 62, Code of Criminal Procedure.

23 SECTION 3. Section 45.004, Family Code, is amended to read
24 as follows:

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

27 (1) the change is in the best interest of the child;

1 and

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

4 (A) the change is in the interest of the public;
5 and

6 (B) the person petitioning on behalf of the child
7 provides the court with proof that the child has notified the
8 appropriate local law enforcement authority of the proposed name
9 change.

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

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

15 SECTION 4. Section 45.102(a), Family Code, is amended to
16 read as follows:

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

19 (1) the present name and place of residence of the
20 petitioner;

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

22 (3) the reason the change in name is requested; ~~and~~

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

25 (5) whether the petitioner is subject to the
26 registration requirements of Chapter 62, Code of Criminal
27 Procedure.

SECTION 5. Section 45.103, Family Code, is amended to read as follows:

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

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

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

(2) been pardoned.

(c) A court may order a change of name under this subchapter for a person subject to the registration requirements of Chapter 62, Code of Criminal Procedure, if, in addition to the requirements of Subsection (a), the person provides the court with proof that the person has notified the appropriate local law enforcement authority of the proposed name change. In this subsection, "local law enforcement authority" has the meaning assigned by Article 62.01, Code of Criminal Procedure.

SECTION 6. (a) The change in law made by this Act in amending Article 62.05, Code of Criminal Procedure, applies to a

1 person subject to registration under Chapter 62, Code of Criminal
2 Procedure, for an offense or conduct that was committed before, on,
3 or after the effective date of this Act.

4 (b) The change in law made by this Act in amending Sections
5 45.002, 45.004, 45.102, and 45.103, Family Code, applies only to a
6 petition for a change of name of a child or adult that is filed on or
7 after the effective date of this Act. A petition filed before the
8 effective date of this Act is governed by the law in effect on the
9 date the petition was filed, and the former law is continued in
10 effect for that purpose.

11 SECTION 7. This Act takes effect September 1, 2003.