

By: Estes, Shapiro S.B. No. 146
(In the Senate - Filed December 11, 2002; January 29, 2003,
read first time and referred to Committee on Criminal Justice;
March 10, 2003, reported favorably by the following vote: Yeas 4,
Nays 0; March 10, 2003, sent to printer.)

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

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

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

- (1) the present name and place of residence of the
child;
- (2) the reason a change of name is requested;
- (3) the full name requested for the child; ~~and~~
- (4) whether the child is subject to the continuing
exclusive jurisdiction of a court under Chapter 155; and
- (5) whether the child is subject to the registration
requirements of Chapter 62, Code of Criminal Procedure.

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

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

- (1) the change is in the best interest of the child;
and
- (2) for a child subject to the registration
requirements of Chapter 62, Code of Criminal Procedure:
 - (A) the change is in the interest of the public;
and
 - (B) the person petitioning on behalf of the child
provides the court with proof that the child has notified the

appropriate local law enforcement authority of the proposed name change.

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

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

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

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

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

(2) the full name requested for the petitioner;

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

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

(5) whether the petitioner is subject to the registration requirements of Chapter 62, Code of Criminal 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 person subject to registration under Chapter 62, Code of Criminal Procedure, for an offense or conduct that was committed before, on, or after the effective date of this Act.

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

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

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