

By: Shapiro

S.B. No. 871

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requirements imposed by the sex offender registration
3 statute.

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

5 SECTION 1. Chapter 62, Code of Criminal Procedure, is
6 amended by adding Article 62.0102 to read as follows:

7 Art. 62.0102. DETERMINATION REGARDING PRIMARY REGISTRATION
8 AUTHORITY. (a) For each person subject to registration under this
9 chapter, the department shall determine which local law enforcement
10 authority serves as the person's primary registration authority
11 based on the municipality or county in which the person resides or,
12 as provided by Article 62.061, as added by Chapters 1193 and 1415,
13 Acts of the 76th Legislature, Regular Session, 1999, the
14 municipality or county in which the person works or attends school.

15 (b) The department shall ensure that each person subject to
16 registration under this chapter is notified of the person's primary
17 registration authority in a timely manner.

18 SECTION 2. Subsection (a), Article 62.011, Code of Criminal
19 Procedure, is amended to read as follows:

20 (a) A person is employed or carries on a vocation for
21 purposes of this chapter if the person works or volunteers on a
22 full-time or part-time basis for a consecutive period exceeding 14
23 days or for an aggregate period exceeding 30 days in a calendar
24 year. A person works for purposes of this subsection regardless

1 of[7] whether the person works for compensation or for governmental
2 or educational benefit.

3 SECTION 3. Subsection (a), Article 62.03, Code of Criminal
4 Procedure, is amended to read as follows:

5 (a) Before a person who will be subject to registration
6 under this chapter is due to be released from a penal institution,
7 the Texas Department of Criminal Justice or the Texas Youth
8 Commission shall determine the person's level of risk to the
9 community using the sex offender screening tool developed or
10 selected under Article 62.035 and assign to the person a numeric
11 risk level of one, two, or three. Before releasing the person, an
12 official of the penal institution shall:

13 (1) inform the person that:

14 (A) not later than the seventh day after the date
15 on which the person is released or the date on which the person
16 moves from a previous residence to a new residence in this state,
17 the person must:

18 (i) register or verify registration with
19 the local law enforcement authority in the municipality or county
20 in which the person intends to reside; or

21 (ii) if the person has not moved to an
22 intended residence, report to the juvenile probation officer,
23 community supervision and corrections department officer, or
24 parole officer supervising the person;

25 (B) not later than the seventh day before the
26 date on which the person moves to a new residence in this state or
27 another state, the person must report in person to the local law

1 enforcement authority designated as the person's primary
2 registration authority by the department [~~with whom the person last~~
3 ~~registered~~] and to the juvenile probation officer, community
4 supervision and corrections department officer, or parole officer
5 supervising the person;

6 (C) not later than the 10th day after the date on
7 which the person arrives in another state in which the person
8 intends to reside, the person must register with the law
9 enforcement agency that is identified by the department as the
10 agency designated by that state to receive registration
11 information, if the other state has a registration requirement for
12 sex offenders; and

13 (D) not later than the 30th day after the date on
14 which the person is released, the person must apply to the
15 department in person for the issuance of an original or renewal
16 driver's license or personal identification certificate and a
17 failure to apply to the department as required by this paragraph
18 results in the automatic revocation of any driver's license or
19 personal identification certificate issued by the department to the
20 person;

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

25 (3) obtain the address where the person expects to
26 reside on the person's release and other registration information,
27 including a photograph and complete set of fingerprints; and

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

2 SECTION 4. Subsections (a), (b), and (e), Article 62.04,
3 Code of Criminal Procedure, are amended to read as follows:

4 (a) If a person required to register intends to change
5 address, regardless of whether the person intends to move to
6 another state, the person shall, not later than the seventh day
7 before the intended change, report in person to the local law
8 enforcement authority designated as the person's primary
9 registration authority by the department [~~with whom the person last~~
10 ~~registered~~] and to the juvenile probation officer, community
11 supervision and corrections department officer, or parole officer
12 supervising the person and provide the authority and the officer
13 with the person's anticipated move date and new address. If a
14 person required to register changes address, the person shall, not
15 later than the seventh day after changing the address, report in
16 person to the local law enforcement authority in the municipality
17 or county in which the person's new residence is located and provide
18 the authority with proof of identity and proof of residence.

19 (b) Not later than the third day after receipt of notice
20 under Subsection (a), the person's juvenile probation officer,
21 community supervision and corrections department officer, or
22 parole officer shall forward the information provided under
23 Subsection (a) to the local law enforcement authority designated as
24 the person's primary registration authority by the department [~~with~~
25 ~~whom the person last registered~~] and, if the person intends to move
26 to another municipality or county in this state, to the applicable
27 local law enforcement authority in that municipality or county.

1 (e) If a person who reports to a local law enforcement
2 authority under Subsection (a) does not move on or before the
3 anticipated move date or does not move to the new address provided
4 to the authority, the person shall:

5 (1) not later than the seventh day after the
6 anticipated move date, report to the local law enforcement
7 authority designated as the person's primary registration
8 authority by the department [~~with whom the person last registered~~
9 ~~not later than the seventh day after the anticipated move date~~] and
10 provide an explanation to the authority regarding any changes in
11 the anticipated move date and intended residence; and

12 (2) report to the juvenile probation officer,
13 community supervision and corrections department officer, or
14 parole officer supervising the person not less than weekly during
15 any period in which the person has not moved to an intended
16 residence.

17 SECTION 5. Subsection (b), Article 62.05, Code of Criminal
18 Procedure, is amended to read as follows:

19 (b) A person subject to registration under this chapter
20 shall report to the local law enforcement authority designated as
21 the person's primary registration authority by the department any
22 change in the person's physical health or job status not later than
23 the seventh day after the date of the change. For purposes of this
24 subsection, a person's job status changes if the person leaves
25 employment for any reason, remains employed by an employer but
26 changes the location at which the person works, or begins
27 employment with a new employer. For purposes of this subsection, a

1 person's health status changes if the person is hospitalized as a
2 result of an illness.

3 SECTION 6. Subsections (a), (b), and (d), Article 62.06,
4 Code of Criminal Procedure, are amended to read as follows:

5 (a) A person subject to registration under this chapter who
6 has for a sexually violent offense been convicted two or more times,
7 received an order of deferred adjudication two or more times, or
8 been convicted and received an order of deferred adjudication shall
9 report to the local law enforcement authority designated as the
10 person's primary registration authority by the department [~~with~~
11 ~~whom the person is required to register~~] not less than once in each
12 90-day period following the date the person first registered under
13 this chapter to verify the information in the registration form
14 maintained by the authority for that person. A person subject to
15 registration under this chapter who is not subject to the 90-day
16 reporting requirement described by this subsection shall report to
17 the local law enforcement authority designated as the person's
18 primary registration authority by the department [~~with whom the~~
19 ~~person is required to register~~] once each year not earlier than the
20 30th day before and not later than the 30th day after the
21 anniversary of the person's date of birth to verify the information
22 in the registration form maintained by the authority for that
23 person. For purposes of this subsection, a person complies with a
24 requirement that the person register within a 90-day period
25 following a date if the person registers at any time on or after the
26 83rd day following that date but before the 98th day after that
27 date.

1 (b) A local law enforcement authority designated as a
2 person's primary registration authority by the department [~~with~~
3 ~~whom a person is required to register under this chapter~~] may direct
4 the person to report to the authority to verify the information in
5 the registration form maintained by the authority for that person.
6 The authority may direct the person to report under this subsection
7 once in each 90-day period following the date the person first
8 registered under this chapter, if the person is required to report
9 not less than once in each 90-day period under Subsection (a) or
10 once in each year not earlier than the 30th day before and not later
11 than the 30th day after the anniversary of the person's date of
12 birth, if the person is required to report once each year under
13 Subsection (a). A local law enforcement authority may not direct a
14 person to report to the authority under this subsection if the
15 person is required to report under Subsection (a) and is in
16 compliance with the reporting requirements of that subsection.

17 (d) A local law enforcement authority designated as a
18 person's primary registration authority by the department [~~with~~
19 ~~whom a person is required to register under this chapter~~] may at any
20 time mail a nonforwardable verification form to the last reported
21 address of the person. Not later than the 21st day after receipt of
22 a verification form under this subsection, the person shall:

23 (1) indicate on the form whether the person still
24 resides at the last reported address and, if not, provide on the
25 form the person's new address;

26 (2) complete any other information required by the
27 form;

1 (3) sign the form; and

2 (4) return the form to the authority.

3 SECTION 7. Subsection (a), Article 62.061, Code of Criminal
4 Procedure, as added by Chapter 444, Acts of the 76th Legislature,
5 Regular Session, 1999, is amended to read as follows:

6 (a) Notwithstanding Article 62.06, if an individual subject
7 to registration under this chapter is civilly committed as a
8 sexually violent predator, the person shall report to the local law
9 enforcement authority designated as the person's primary
10 registration authority by the department [~~with whom the person is~~
11 ~~required to register~~] not less than once in each 30-day period
12 following the date the person first registered under this chapter
13 to verify the information in the registration form maintained by
14 the authority for that person. For purposes of this subsection, a
15 person complies with a requirement that the person register within
16 a 30-day period following a date if the person registers at any time
17 on or after the 27th day following that date but before the 33rd day
18 after that date.

19 SECTION 8. Subsection (a), Article 62.12, Code of Criminal
20 Procedure, as amended by Chapters 211 and 1297, Acts of the 77th
21 Legislature, Regular Session, 2001, is reenacted and amended to
22 read as follows:

23 (a) The duty to register for a person ends when the person
24 dies if the person has a reportable conviction or adjudication,
25 other than an adjudication of delinquent conduct, for:

26 (1) a sexually violent offense;

27 (2) an offense under Section 25.02, 43.05(a)(2), or

1 43.26, Penal Code;

2 (3) an offense under Section 21.11(a)(2), Penal Code,
3 if before or after the person is convicted or adjudicated for the
4 offense under Section 21.11(a)(2), Penal Code, the person receives
5 or has received another reportable conviction or adjudication,
6 other than an adjudication of delinquent conduct, for an offense or
7 conduct that requires registration under this chapter; or

8 (4) an offense under Section 20.02, 20.03, or 20.04,
9 Penal Code, or an attempt, conspiracy, or solicitation to commit
10 one of those offenses, if:

11 (A) the judgment in the case contains an
12 affirmative finding under Article 42.015[~~as added by Chapter~~
13 ~~1193, Acts of the 76th Legislature, Regular Session, 1999,~~] or, for
14 a deferred adjudication, the papers in the case contain an
15 affirmative finding that the victim or intended victim was younger
16 than 17 years of age; and

17 (B) before or after the person is convicted or
18 adjudicated for the offense under Section 20.02, 20.03, or 20.04,
19 Penal Code, the person receives or has received another reportable
20 conviction or adjudication, other than an adjudication of
21 delinquent conduct, for an offense or conduct that requires
22 registration under this chapter.

23 SECTION 9. The change in law made by this Act applies to a
24 person subject to registration under Chapter 62, Code of Criminal
25 Procedure, for an offense or conduct that was committed before, on,
26 or after the effective date of this Act.

27 SECTION 10. This Act takes effect September 1, 2003.