

AN ACT

relating to the sex offender registration program and the civil commitment of sexually violent predators.

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

SECTION 1. Article 62.01, Code of Criminal Procedure, is amended by adding Subdivisions (8) and (9) to read as follows:

(8) "Public or private institution of higher education" includes a college, university, community college, or technical or trade institute.

(9) "Authority for campus security" means the authority with primary law enforcement jurisdiction over property under the control of a public or private institution of higher education, other than a local law enforcement authority.

SECTION 2. Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.0102 to read as follows:

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

(b) The department shall notify each person subject to

1 registration under this chapter of the person's primary
2 registration authority in a timely manner.

3 SECTION 3. Article 62.011, Code of Criminal Procedure, is
4 amended to read as follows:

5 Art. 62.011. WORKERS OR STUDENTS. (a) A person is
6 employed or carries on a vocation for purposes of this chapter if
7 the person works or volunteers on a full-time or part-time basis for
8 a consecutive period exceeding 14 days or for an aggregate period
9 exceeding 30 days in a calendar year. A person works for purposes
10 of this subsection regardless of~~[7]~~ whether the person works for
11 compensation or for governmental or educational benefit.

12 (b) A person is a student for purposes of this chapter if the
13 person enrolls on a full-time or part-time basis in any educational
14 facility, including:

15 (1) a public or private primary or secondary school,
16 including a high school or alternative learning center; or

17 (2) a public or private institution of higher
18 education~~[, including a college, university, community college, or~~
19 ~~technical or trade institute]~~.

20 SECTION 4. Subsections (b), (c), and (g), Article 62.02,
21 Code of Criminal Procedure, are amended to read as follows:

22 (b) The department shall provide the Texas Department of
23 Criminal Justice, the Texas Youth Commission, the Texas Juvenile
24 Probation Commission, and each local law enforcement authority,
25 authority for campus security, county jail, and court with a form
26 for registering persons required by this chapter to register. The
27 registration form shall require:

1 (1) the person's full name, each alias, date of birth,
2 sex, race, height, weight, eye color, hair color, social security
3 number, driver's license number, shoe size, and home address;

4 (2) a recent color photograph or, if possible, an
5 electronic digital image of the person and a complete set of the
6 person's fingerprints;

7 (3) the type of offense the person was convicted of,
8 the age of the victim, the date of conviction, and the punishment
9 received;

10 (4) an indication as to whether the person is
11 discharged, paroled, or released on juvenile probation, community
12 supervision, or mandatory supervision;

13 (5) an indication of each license, as defined by
14 Article 62.08(f), that is held or sought by the person; ~~and~~

15 (6) an indication as to whether the person is or will
16 be employed, carrying on a vocation, or a student at a particular
17 public or private institution of higher education in this state or
18 another state, and the name and address of that institution; and

19 (7) any other information required by the department.

20 (c) Not later than the third day after a person's
21 registering, the local law enforcement authority with whom the
22 person registered shall send a copy of the registration form to the
23 department and, if the person resides on the campus of a public or
24 private institution of higher education, to any authority for
25 campus security for that institution.

26 (g) If the other state has a registration requirement for
27 sex offenders, a person who has a reportable conviction or

1 adjudication, who resides in this state, and who is employed,
2 carries on a vocation, or is a student in another state shall, not
3 later than the 10th day after the date on which the person begins to
4 work or attend school in the other state, register with the law
5 enforcement authority that is identified by the department as the
6 authority designated by that state to receive registration
7 information. If the person is employed, carries on a vocation, or
8 is a student at a public or private institution of higher education
9 in the other state and if an authority for campus security exists at
10 the institution, the person shall also register with that authority
11 not later than the 10th day after the date on which the person
12 begins to work or attend school.

13 SECTION 5. Subsections (a), (e), and (h), Article 62.03,
14 Code of Criminal Procedure, are amended to read as follows:

15 (a) Before a person who will be subject to registration
16 under this chapter is due to be released from a penal institution,
17 the Texas Department of Criminal Justice or the Texas Youth
18 Commission shall determine the person's level of risk to the
19 community using the sex offender screening tool developed or
20 selected under Article 62.035 and assign to the person a numeric
21 risk level of one, two, or three. Before releasing the person, an
22 official of the penal institution shall:

23 (1) inform the person that:

24 (A) not later than the seventh day after the date
25 on which the person is released or the date on which the person
26 moves from a previous residence to a new residence in this state,
27 the person must:

1 (i) register or verify registration with
2 the local law enforcement authority in the municipality or county
3 in which the person intends to reside; or

4 (ii) if the person has not moved to an
5 intended residence, report to the juvenile probation officer,
6 community supervision and corrections department officer, or
7 parole officer supervising the person;

8 (B) not later than the seventh day before the
9 date on which the person moves to a new residence in this state or
10 another state, the person must report in person to the local law
11 enforcement authority designated as the person's primary
12 registration authority by the department [~~with whom the person last~~
13 ~~registered~~] and to the juvenile probation officer, community
14 supervision and corrections department officer, or parole officer
15 supervising the person;

16 (C) not later than the 10th day after the date on
17 which the person arrives in another state in which the person
18 intends to reside, the person must register with the law
19 enforcement agency that is identified by the department as the
20 agency designated by that state to receive registration
21 information, if the other state has a registration requirement for
22 sex offenders; [~~and~~]

23 (D) not later than the 30th day after the date on
24 which the person is released, the person must apply to the
25 department in person for the issuance of an original or renewal
26 driver's license or personal identification certificate and a
27 failure to apply to the department as required by this paragraph

1 results in the automatic revocation of any driver's license or
2 personal identification certificate issued by the department to the
3 person; and

4 (E) the person must notify appropriate entities
5 of any change in status as described by Article 62.05;

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

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

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

14 (e) Not later than the eighth day after receiving a
15 registration form under Subsection (b), (c), or (d), the local law
16 enforcement authority shall verify the age of the victim, [~~the age~~
17 ~~of the person subject to registration,~~] the basis on which the
18 person is subject to registration under this chapter, and the
19 person's numeric risk level. The [~~If the victim is a child younger~~
20 ~~than 17 years of age and the basis on which the person is subject to~~
21 ~~registration is not an adjudication of delinquent conduct and is~~
22 ~~not a conviction or a deferred adjudication for an offense under~~
23 ~~Section 25.02, Penal Code, the~~] authority shall immediately publish
24 notice 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 authority shall publish a duplicate notice in the newspaper, with
4 any necessary corrections, during the week immediately following
5 the week of initial publication. The local law enforcement [~~If the~~
6 ~~victim is a child younger than 17 years of age or the person subject~~
7 ~~to registration is 17 years of age or older and a student enrolled~~
8 ~~in a public or private secondary school, regardless of the basis on~~
9 ~~which the person is subject to registration, the~~] authority shall
10 also immediately provide notice to the superintendent of the public
11 school district and to the administrator of any private primary or
12 secondary school located in the public school district in which the
13 person subject to registration intends to reside by mail to the
14 office of the superintendent or administrator, as appropriate, in
15 accordance with Article 62.032. On receipt of a notice under this
16 subsection, the superintendent shall release the information
17 contained in the notice to appropriate school district personnel,
18 including peace officers and security personnel, principals,
19 nurses, and counselors.

20 (h) Before a person who will be subject to registration
21 under this chapter is due to be released from a penal institution in
22 this state, an official of the penal institution shall inform the
23 person that:

24 (1) if the person intends to reside in another state
25 and to work or attend school in this state, the person must, not
26 later than the seventh day after the date on which the person begins
27 to work or attend school, register or verify registration with the

1 local law enforcement authority in the municipality or county in
2 which the person intends to work or attend school; ~~and~~

3 (2) if the person intends to reside in this state and
4 to work or attend school in another state and if the other state has
5 a registration requirement for sex offenders, the person must:

6 (A) ~~[7]~~ not later than the 10th day after the date
7 on which the person begins to work or attend school in the other
8 state, register with the law enforcement authority that is
9 identified by the department as the authority designated by that
10 state to receive registration information; and

11 (B) if the person intends to be employed, carry
12 on a vocation, or be a student at a public or private institution of
13 higher education in the other state and if an authority for campus
14 security exists at the institution, register with that authority
15 not later than the 10th day after the date on which the person
16 begins to work or attend school; and

17 (3) regardless of the state in which the person
18 intends to reside, if the person intends to be employed, carry on a
19 vocation, or be a student at a public or private institution of
20 higher education in this state, the person must:

21 (A) not later than the seventh day after the date
22 on which the person begins to work or attend school, register with:

23 (i) the authority for campus security for
24 that institution; or

25 (ii) except as provided by Article
26 62.064(e), if an authority for campus security for that institution
27 does not exist, the local law enforcement authority of:

1 (a) the municipality in which the
2 institution is located; or

3 (b) the county in which the
4 institution is located, if the institution is not located in a
5 municipality; and

6 (B) not later than the seventh day after the date
7 the person stops working or attending school, notify the
8 appropriate authority for campus security or local law enforcement
9 authority of the termination of the person's status as a worker or
10 student.

11 SECTION 6. Chapter 62, Code of Criminal Procedure, is
12 amended by adding Articles 62.031 and 62.032 to read as follows:

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

17 (1) an adjudication of delinquent conduct; or

18 (2) a conviction or a deferred adjudication for an
19 offense under Section 25.02, Penal Code, or an offense under the
20 laws of another state, federal law, or the Uniform Code of Military
21 Justice that contains elements substantially similar to the
22 elements of an offense under Section 25.02, Penal Code, if the
23 victim was at the time of the offense a child younger than 17 years
24 of age.

25 (b) In addition to the prohibition on publication
26 established under Subsection (a), a local law enforcement authority
27 may not publish notice in a newspaper under Article 62.04(f) if the

1 person subject to registration is assigned a numeric risk level of
2 one.

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

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

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

12 (3) the basis on which the person is subject to
13 registration is a conviction, a deferred adjudication, or an
14 adjudication of delinquent conduct for an offense under Section
15 43.25 or 43.26, Penal Code, or an offense under the laws of another
16 state, federal law, or the Uniform Code of Military Justice that
17 contains elements substantially similar to the elements of an
18 offense under either of those sections.

19 (b) A local law enforcement authority may not provide notice
20 to the superintendent or any administrator under Article 62.03(e)
21 or 62.04(f) if the basis on which the person is subject to
22 registration is a conviction, a deferred adjudication, or an
23 adjudication of delinquent conduct for an offense under Section
24 25.02, Penal Code, or an offense under the laws of another state,
25 federal law, or the Uniform Code of Military Justice that contains
26 elements substantially similar to the elements of an offense under
27 that section.

1 SECTION 7. Subsections (a), (b), (e), and (f), Article
2 62.04, Code of Criminal Procedure, are amended to read as follows:

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

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

27 (e) If a person who reports to a local law enforcement

1 authority under Subsection (a) does not move on or before the
2 anticipated move date or does not move to the new address provided
3 to the authority, the person shall:

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

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

16 (f) If the person moves to another municipality or county in
17 this state, the department shall inform the applicable local law
18 enforcement authority in the new area of the person's residence not
19 later than the third day after the date on which the department
20 receives information under Subsection (a). Not later than the
21 eighth day after the date on which the local law enforcement
22 authority is informed under Subsection (a) or under this
23 subsection, the authority shall verify the age of the victim, [~~the~~
24 ~~age of the person subject to registration,~~] the basis on which the
25 person is subject to registration under this chapter, and the
26 person's numeric risk level. The [~~If the victim is a child younger~~
27 ~~than 17 years of age, the basis on which the person is subject to~~

1 ~~registration is not an adjudication of delinquent conduct and is~~
2 ~~not a conviction or a deferred adjudication for an offense under~~
3 ~~Section 25.02, Penal Code, and the person is not assigned a numeric~~
4 ~~risk level of one, the] authority shall immediately publish notice~~
5 in English and Spanish in the newspaper of greatest paid
6 circulation in the county in which the person subject to
7 registration intends to reside or, if there is no newspaper of paid
8 circulation in that county, in the newspaper of greatest general
9 circulation in the county, except as provided by Article 62.031. If
10 the authority publishes notice under this subsection, the [~~The~~
11 ~~local law enforcement~~] authority shall publish a duplicate notice
12 in the newspaper, with any necessary corrections, during the week
13 immediately following the week of initial publication. The local
14 law enforcement [~~If the victim is a child younger than 17 years of~~
15 ~~age or the person subject to registration is 17 years of age or~~
16 ~~older and a student enrolled in a public or private secondary~~
17 ~~school, regardless of the basis on which the person is subject to~~
18 ~~registration or the person's numeric risk level, the] authority
19 shall also immediately provide notice to the superintendent of the
20 public school district and to the administrator of any private
21 primary or secondary school located in the public school district
22 in which the person subject to registration intends to reside by
23 mail to the office of the superintendent or administrator, as
24 appropriate, in accordance with Article 62.032. On receipt of a
25 notice under this subsection, the superintendent shall release the
26 information contained in the notice to appropriate school district
27 personnel, including peace officers and security personnel,~~

1 principals, nurses, and counselors.

2 SECTION 8. Article 62.05, Code of Criminal Procedure, is
3 amended to read as follows:

4 Art. 62.05. STATUS REPORT BY SUPERVISING OFFICER OR LOCAL
5 LAW ENFORCEMENT AGENCY. (a) If the juvenile probation officer,
6 community supervision and corrections department officer, or
7 parole officer supervising a person subject to registration under
8 this chapter receives information to the effect that the person's
9 status has changed in any manner that affects proper supervision of
10 the person, including a change in the person's physical health, job
11 or educational status, higher educational status, incarceration,
12 or terms of release, the supervising officer shall promptly notify
13 the appropriate local law enforcement authority or authorities of
14 that change. If the person required to register intends to change
15 address, the [~~person's~~] supervising officer shall notify the local
16 law enforcement authorities designated by Article 62.04(b). Not
17 later than the seventh day after the date the supervising officer
18 receives the relevant information, the supervising officer shall
19 notify the local law enforcement authority of any change in the
20 person's job or educational status in which the person:

21 (1) becomes employed, begins to carry on a vocation,
22 or becomes a student at a particular public or private institution
23 of higher education; or

24 (2) terminates the person's status in that capacity.

25 (b) Not later than the seventh day after the date of the
26 change, a [A] person subject to registration under this chapter
27 shall report to the local law enforcement authority designated as

1 the person's primary registration authority by the department any
2 change in the person's physical health or in the person's job or
3 educational status, including higher educational status [~~not later~~
4 ~~than the seventh day after the date of the change~~]. For purposes of
5 this subsection, a person's job status changes if the person leaves
6 employment for any reason, remains employed by an employer but
7 changes the location at which the person works, or begins
8 employment with a new employer. For purposes of this subsection, a
9 person's health status changes if the person is hospitalized as a
10 result of an illness. For purposes of this subsection, a change in
11 a person's educational status includes the person's transfer from
12 one educational facility to another. Not later than the seventh day
13 after the date the local law enforcement authority receives the
14 relevant information, the local law enforcement authority shall
15 notify the department of any change in the person's job or
16 educational status in which the person:

17 (1) becomes employed, begins to carry on a vocation,
18 or becomes a student at a particular public or private institution
19 of higher education; or

20 (2) terminates the person's status in that capacity.

21 SECTION 9. Subsections (a), (b), and (d), Article 62.06,
22 Code of Criminal Procedure, are amended to read as follows:

23 (a) A person subject to registration under this chapter who
24 has for a sexually violent offense been convicted two or more times,
25 received an order of deferred adjudication two or more times, or
26 been convicted and received an order of deferred adjudication shall
27 report to the local law enforcement authority designated as the

1 person's primary registration authority by the department [~~with~~
2 ~~whom the person is required to register~~] not less than once in each
3 90-day period following the date the person first registered under
4 this chapter to verify the information in the registration form
5 maintained by the authority for that person. A person subject to
6 registration under this chapter who is not subject to the 90-day
7 reporting requirement described by this subsection shall report to
8 the local law enforcement authority designated as the person's
9 primary registration authority by the department [~~with whom the~~
10 ~~person is required to register~~] once each year not earlier than the
11 30th day before and not later than the 30th day after the
12 anniversary of the person's date of birth to verify the information
13 in the registration form maintained by the authority for that
14 person. For purposes of this subsection, a person complies with a
15 requirement that the person register within a 90-day period
16 following a date if the person registers at any time on or after the
17 83rd day following that date but before the 98th day after that
18 date.

19 (b) A local law enforcement authority designated as a
20 person's primary registration authority by the department [~~with~~
21 ~~whom a person is required to register under this chapter~~] may direct
22 the person to report to the authority to verify the information in
23 the registration form maintained by the authority for that person.
24 The authority may direct the person to report under this subsection
25 once in each 90-day period following the date the person first
26 registered under this chapter, if the person is required to report
27 not less than once in each 90-day period under Subsection (a) or

1 once in each year not earlier than the 30th day before and not later
2 than the 30th day after the anniversary of the person's date of
3 birth, if the person is required to report once each year under
4 Subsection (a). A local law enforcement authority may not direct a
5 person to report to the authority under this subsection if the
6 person is required to report under Subsection (a) and is in
7 compliance with the reporting requirements of that subsection.

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

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

17 (2) complete any other information required by the
18 form;

19 (3) sign the form; and

20 (4) return the form to the authority.

21 SECTION 10. Subsection (a), Article 62.061, Code of
22 Criminal Procedure, as added by Chapter 444, Acts of the 76th
23 Legislature, Regular Session, 1999, is amended to read as follows:

24 (a) Notwithstanding Article 62.06, if an individual subject
25 to registration under this chapter is civilly committed as a
26 sexually violent predator, the person shall report to the local law
27 enforcement authority designated as the person's primary

1 registration authority by the department [~~with whom the person is~~
2 ~~required to register~~] not less than once in each 30-day period
3 following the date the person first registered under this chapter
4 to verify the information in the registration form maintained by
5 the authority for that person. For purposes of this subsection, a
6 person complies with a requirement that the person register within
7 a 30-day period following a date if the person registers at any time
8 on or after the 27th day following that date but before the 33rd day
9 after that date.

10 SECTION 11. Chapter 62, Code of Criminal Procedure, is
11 amended by adding Article 62.064 to read as follows:

12 Art. 62.064. REGISTRATION OF WORKERS OR STUDENTS AT
13 INSTITUTIONS OF HIGHER EDUCATION. (a) Not later than the seventh
14 day after the date on which the person begins to work or attend
15 school, a person required to register under Article 62.061, as
16 added by Chapters 1193 and 1415, Acts of the 76th Legislature,
17 Regular Session, 1999, or any other provision of this chapter who is
18 employed, carries on a vocation, or is a student at a public or
19 private institution of higher education in this state shall report
20 that fact to:

21 (1) the authority for campus security for that
22 institution; or

23 (2) if an authority for campus security for that
24 institution does not exist, the local law enforcement authority of:

25 (A) the municipality in which the institution is
26 located; or

27 (B) the county in which the institution is

1 located, if the institution is not located in a municipality.

2 (b) A person described by Subsection (a) shall provide the
3 authority for campus security or the local law enforcement
4 authority with all information the person is required to provide
5 under Article 62.02(b).

6 (c) A person described by Subsection (a) shall notify the
7 authority for campus security or the local law enforcement
8 authority not later than the seventh day after the date of
9 termination of the person's status as a worker or student at the
10 institution.

11 (d) The authority for campus security or the local law
12 enforcement authority shall promptly forward to the administrative
13 office of the institution any information received from the person
14 under this article and any information received from the department
15 under Article 62.08.

16 (e) Subsection (a)(2) does not require a person to register
17 at a local law enforcement authority if the person is otherwise
18 required by this chapter to register at that authority.

19 (f) This article does not impose the requirements of public
20 notification or notification to public or private primary or
21 secondary schools on:

22 (1) an authority for campus security; or

23 (2) a local law enforcement authority, if those
24 requirements relate to a person about whom the authority is not
25 otherwise required by this chapter to make notifications.

26 (g) Notwithstanding Article 62.062, the requirements of
27 this article supersede those of Article 62.062 for a person

1 required to register under both this article and Article 62.062.

2 (h) Regardless of the date on which the person began to work
3 or attend school, a person described by Subsection (a) who is
4 employed, carrying on a vocation, or is a student at a public or
5 private institution of higher education in this state on September
6 1, 2003, shall report that fact not later than October 1, 2003, to
7 the appropriate authority as described by Subsection (a). This
8 subsection expires September 1, 2004.

9 SECTION 12. Article 62.08, Code of Criminal Procedure, is
10 amended by amending Subsection (b) and adding Subsections (h) and
11 (i) to read as follows:

12 (b) The information contained in the database is public
13 information, with the exception of any information:

14 (1) regarding the person's social security number,
15 driver's license number, or telephone number;

16 (2) that is required by the department under Article
17 62.02(b)(7) [~~62.02(b)(6)~~]; or

18 (3) that would identify the victim of the offense for
19 which the person is subject to registration.

20 (h) Not later than the third day after the date on which the
21 applicable information becomes available through the person's
22 registration or verification of registration or under Article
23 62.05, the department shall send notice of any person required to
24 register under this chapter who is or will be employed, carrying on
25 a vocation, or a student at a public or private institution of
26 higher education in this state to:

27 (1) for an institution in this state:

1 (A) the authority for campus security for that
2 institution; or

3 (B) if an authority for campus security for that
4 institution does not exist, the local law enforcement authority of:

5 (i) the municipality in which the
6 institution is located; or

7 (ii) the county in which the institution is
8 located, if the institution is not located in a municipality; or

9 (2) for an institution in another state, any existing
10 authority for campus security at that institution.

11 (i) On the written request of an institution of higher
12 education described by Subsection (h) that identifies an individual
13 and states that the individual has applied to work or study at the
14 institution, the department shall release any information
15 described by Subsection (a) to the institution.

16 SECTION 13. Subsections (a) and (d), Article 62.09, Code of
17 Criminal Procedure, are amended to read as follows:

18 (a) The department, a penal institution, ~~[or]~~ a local law
19 enforcement authority, or an authority for campus security may
20 release to the public information regarding a person required to
21 register only if the information is public information under this
22 chapter.

23 (d) A private primary or secondary school, public or private
24 institution of higher education, or administrator of a private
25 primary or secondary school or public or private institution of
26 higher education may release to the public information regarding a
27 person required to register only if the information is public

1 information under this chapter and is released to the administrator
2 under Article 62.03, ~~[or]~~ 62.04, 62.064, or 62.08. A private
3 primary or secondary school, public or private institution of
4 higher education, or administrator of a private primary or
5 secondary school or public or private institution of higher
6 education is not liable under any law for damages arising from
7 conduct authorized by this subsection.

8 SECTION 14. Subsection (a), Article 62.12, Code of Criminal
9 Procedure, as amended by Chapters 211 and 1297, Acts of the 77th
10 Legislature, Regular Session, 2001, is reenacted and amended to
11 read as follows:

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

15 (1) a sexually violent offense;

16 (2) an offense under Section 25.02, 43.05(a)(2), or
17 43.26, Penal Code;

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

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

27 (A) the judgment in the case contains an

1 affirmative finding under Article 42.015[~~, as added by Chapter~~
2 ~~1193, Acts of the 76th Legislature, Regular Session, 1999,~~] or, for
3 a deferred adjudication, the papers in the case contain an
4 affirmative finding that the victim or intended victim was younger
5 than 17 years of age; and

6 (B) before or after the person is convicted or
7 adjudicated for the offense under Section 20.02, 20.03, or 20.04,
8 Penal Code, the person receives or has received another reportable
9 conviction or adjudication, other than an adjudication of
10 delinquent conduct, for an offense or conduct that requires
11 registration under this chapter.

12 SECTION 15. Article 62.13, Code of Criminal Procedure, is
13 amended by amending Subsections (k), (o), (q), and (r) and adding
14 Subsection (q-1) to read as follows:

15 (k) After a hearing under Subsection (b) or under a plea
16 agreement under Subsection (f), the juvenile court may enter an
17 order requiring the respondent to register as a sex offender but
18 provide that the registration information is not public information
19 and is restricted to use by law enforcement and criminal justice
20 agencies and public or private institutions of higher education.
21 Information obtained under this subsection may not be posted on the
22 Internet or released to the public.

23 (o) To the extent feasible, the motion under Subsection (l)
24 shall identify those public and private agencies and organizations,
25 including public or private institutions of higher education, that
26 possess sex offender registration information about the case.

27 (q) If the court grants the motion, a copy of the court's

1 order shall be sent to:

2 (1) each public or ~~and~~ private agency or
3 organization that the court determines may be in possession of sex
4 offender registration information pertaining to the person
5 required to register under this chapter; and

6 (2) at the request of the person required to register
7 under this chapter, each public or private agency or organization
8 that at any time following the initial dissemination of the order
9 under Subdivision (1) gains possession of sex offender registration
10 information pertaining to that person, if the agency or
11 organization did not otherwise receive a copy of the order under
12 Subdivision (1).

13 (q-1) An ~~The~~ order under Subsection (q) shall require the
14 recipient to conform its records to the court's orders either by
15 deleting the sex offender registration information or changing its
16 status to nonpublic, as the order requires. A public or private
17 institution of higher education may not be required to delete the
18 sex offender registration information under this subsection.

19 (r) A private agency or organization that possesses sex
20 offender registration information it obtained from a state, county,
21 or local governmental entity is required to conform its records to
22 the court's order on or before the 30th day after the date of its
23 entry. Failure to comply in that period automatically bars an ~~the~~
24 agency or organization, other than a public or private institution
25 of higher education, from obtaining sex offender registration
26 information from any state, county, or local governmental entity in
27 this state in the future.

1 SECTION 16. Subdivision (4), Section 841.002, Health and
2 Safety Code, is amended to read as follows:

3 (4) "Council" means the [~~Interagency~~] Council on Sex
4 Offender Treatment.

5 SECTION 17. Sections 841.005, 841.006, and 841.007, Health
6 and Safety Code, are amended to read as follows:

7 Sec. 841.005. OFFICE OF STATE COUNSEL FOR OFFENDERS.

8 (a) Except as provided by Subsection (b), the [The] Office of
9 State Counsel for Offenders shall represent an indigent [a] person
10 subject to a civil commitment proceeding under this chapter.

11 (b) If for any reason the Office of State Counsel for
12 Offenders is unable to represent an indigent person described by
13 Subsection (a) at a civil commitment proceeding under this chapter,
14 the court shall appoint other counsel to represent the indigent
15 person.

16 Sec. 841.006. APPLICATION OF CHAPTER. This chapter does
17 not:

18 (1) prohibit a person committed under this chapter
19 from filing at any time a petition for release under this chapter;
20 or

21 (2) create for the committed person a cause of action
22 against another person for failure to give notice within a period
23 required by Subchapter B, C, or D.

24 Sec. 841.007. DUTIES OF [~~INTERAGENCY~~] COUNCIL ON SEX
25 OFFENDER TREATMENT. The [~~Interagency~~] Council on Sex Offender
26 Treatment is responsible for providing appropriate and necessary
27 treatment and supervision through the case management system.

1 SECTION 18. Section 841.022, Health and Safety Code, is
2 amended to read as follows:

3 Sec. 841.022. MULTIDISCIPLINARY TEAM. (a) The executive
4 director of the Texas Department of Criminal Justice and the
5 commissioner of the Texas Department of Mental Health and Mental
6 Retardation jointly shall establish a multidisciplinary team to
7 review available records of a person referred to the team under
8 Section 841.021. The team must include:

9 (1) two persons from the Texas Department of Mental
10 Health and Mental Retardation;

11 (2) two [~~three~~] persons from the Texas Department of
12 Criminal Justice, one of whom must be from the victim services
13 office of that department;

14 (3) one person from the Texas Department of Public
15 Safety; and

16 (4) two persons [~~one person~~] from the council or
17 council personnel.

18 (b) The multidisciplinary team may request the assistance
19 of other persons in making an assessment [~~a determination~~] under
20 this section.

21 (c) Not later than the 60th [~~30th~~] day after the date the
22 multidisciplinary team receives notice under Section 841.021(a) or
23 (b), the team shall:

24 (1) assess [~~determine~~] whether the person is a repeat
25 sexually violent offender and whether the person is likely to
26 commit a sexually violent offense after release or discharge;

27 (2) give notice of that assessment [~~determination~~] to

1 the Texas Department of Criminal Justice or the Texas Department of
2 Mental Health and Mental Retardation, as appropriate; and

3 (3) recommend the assessment of the person for a
4 behavioral abnormality, as appropriate.

5 SECTION 19. Section 841.023, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 841.023. ASSESSMENT FOR BEHAVIORAL ABNORMALITY.

8 (a) Not later than the 60th [~~30th~~] day after the date of a
9 recommendation under Section 841.022(c), the Texas Department of
10 Criminal Justice or the Texas Department of Mental Health and
11 Mental Retardation, as appropriate, shall assess [~~determine~~]
12 whether the person suffers from a behavioral abnormality that makes
13 the person likely to engage in a predatory act of sexual violence.
14 To aid in the assessment [~~determination~~], the department required
15 to make the assessment [~~determination~~] shall use an expert to
16 examine the person. That department may contract for the expert
17 services required by this subsection. The expert shall make a
18 clinical assessment based on testing for psychopathy, a clinical
19 interview, and other appropriate assessments and techniques to aid
20 the department in its assessment [~~the determination~~].

21 (b) If as a result of the assessment the Texas Department of
22 Criminal Justice or the Texas Department of Mental Health and
23 Mental Retardation believes [~~determines~~] that the person suffers
24 from a behavioral abnormality, the department making the assessment
25 [~~determination~~] shall give notice of that assessment
26 [~~determination~~] and provide corresponding documentation to the
27 attorney representing the state not later than the 60th [~~30th~~] day

1 after the date of a recommendation under Section 841.022(c).

2 SECTION 20. Subsection (b), Section 841.041, Health and
3 Safety Code, is amended to read as follows:

4 (b) A petition described by Subsection (a) must be:

5 (1) filed not later than the 90th [60th] day after the
6 date the person is referred to the attorney representing the state;
7 and

8 (2) served on the person as soon as practicable after
9 the date the petition is filed.

10 SECTION 21. Section 841.061, Health and Safety Code, is
11 amended by amending Subsections (a), (c), and (d) and adding
12 Subsection (f) to read as follows:

13 (a) Not later than the 270th [60th] day after the date a
14 petition is served on the person [filed] under Section 841.041, the
15 judge shall conduct a trial to determine whether the person is a
16 sexually violent predator.

17 (c) The person and the state are each entitled to an
18 immediate examination of the person by an expert. All components of
19 the examination must be completed not later than the 90th day before
20 the date the trial begins.

21 (d) Additional rights of the person at the trial include the
22 following:

23 (1) the right to appear at the trial;

24 (2) except as provided by Subsection (f), the right to
25 present evidence on the person's behalf;

26 (3) the right to cross-examine a witness who testifies
27 against the person; and

1 (4) the right to view and copy all petitions and
2 reports in the court file.

3 (f) A person who is on trial to determine the person's
4 status as a sexually violent predator is required to submit to all
5 expert examinations that are required or permitted of the state to
6 prepare for the person's trial. A person who fails to submit to
7 expert examination on the state's behalf as required by this
8 subsection is subject to the following consequences:

9 (1) the person's failure to participate may be used as
10 evidence against the person at trial;

11 (2) the person may be prohibited from offering into
12 evidence the results of an expert examination performed on the
13 person's behalf; and

14 (3) the person may be subject to contempt proceedings
15 if the person violates a court order by failing to submit to an
16 expert examination on the state's behalf.

17 SECTION 22. Section 841.063, Health and Safety Code, is
18 amended to read as follows:

19 Sec. 841.063. CONTINUANCE. The judge may continue a trial
20 or hearing conducted under this chapter [~~Section 841.061~~] if the
21 person is not substantially prejudiced by the continuance and:

22 (1) on the request of either party and a showing of
23 good cause; or

24 (2) on the judge's own motion in the due administration
25 of justice.

26 SECTION 23. Section 841.081, Health and Safety Code, is
27 amended to read as follows:

1 Sec. 841.081. CIVIL COMMITMENT OF PREDATOR. (a) If at a
2 trial conducted under Subchapter D the judge or jury determines
3 that the person is a sexually violent predator, the judge shall
4 commit the person for outpatient treatment and supervision to be
5 coordinated by the case manager. The commitment order is effective
6 immediately on entry of the order, except that the ~~[The]~~ outpatient
7 treatment and supervision begins ~~[must begin]~~ on the person's
8 release from a secure correctional facility or discharge from a
9 state hospital and continues ~~[must continue]~~ until the person's
10 behavioral abnormality has changed to the extent that the person is
11 no longer likely to engage in a predatory act of sexual violence.

12 (b) At any time after entry of a commitment order under
13 Subsection (a), the case manager may provide to the person
14 instruction regarding the requirements associated with the order,
15 regardless of whether the person is incarcerated at the time of the
16 instruction.

17 SECTION 24. Section 841.082, Health and Safety Code, is
18 amended to read as follows:

19 Sec. 841.082. COMMITMENT REQUIREMENTS. (a) Before
20 entering an order directing a person's outpatient civil commitment,
21 the judge shall impose on the person requirements necessary to
22 ensure the person's compliance with treatment and supervision and
23 to protect the community. The requirements shall include:

24 (1) requiring the person to reside in a particular
25 location;

26 (2) prohibiting the person's contact with a victim or
27 potential victim of the person;

1 (3) prohibiting the person's possession or use of
2 alcohol, inhalants, or a controlled substance;

3 (4) requiring the person's participation in and
4 compliance with a specific course of treatment;

5 (5) requiring the person to:

6 (A) submit to tracking under a particular type of
7 tracking service and to any other appropriate supervision; and

8 (B) refrain from tampering with, altering,
9 modifying, obstructing, or manipulating the tracking equipment;

10 (6) prohibiting the person from changing the person's
11 residence without prior authorization from the judge and from
12 leaving the state without that prior authorization;

13 (7) if determined appropriate by the judge,
14 establishing a child safety zone in the same manner as a child
15 safety zone is established by a judge under Section 13B, Article
16 42.12, Code of Criminal Procedure, and requiring the person to
17 comply with requirements related to the safety zone;

18 (8) requiring the person to notify the case manager
19 immediately but in any event within 24 [~~48~~] hours of any change in
20 the person's status that affects proper treatment and supervision,
21 including a change in the person's physical health or job status and
22 including any incarceration of the person; and

23 (9) any other requirements determined necessary by the
24 judge.

25 (b) The judge may request assistance from the council in
26 determining an appropriate residence for the person.

27 (c) The judge shall provide a copy of the requirements

1 imposed under Subsection (a) to the person and to the council. The
2 council shall provide a copy of those requirements to the case
3 manager and to the service providers.

4 (d) [~~(c)~~ Immediately after the case becomes final for
5 purposes of appeal [person's commitment], the judge shall transfer
6 jurisdiction of the case to a district court, other than a family
7 district court, having jurisdiction in the county in which the
8 person [defendant] is residing, except that the judge retains
9 jurisdiction of the case with respect to a civil commitment
10 proceeding conducted under Subchapters F and G.

11 (e) The requirements imposed under Subsection (a) may be
12 modified at any time after notice to each affected party to the
13 proceedings and a hearing.

14 SECTION 25. Subsections (b), (c), and (d), Section 841.083,
15 Health and Safety Code, are amended to read as follows:

16 (b) The case manager shall provide supervision to the
17 person. The provision of supervision shall include a tracking
18 service [services] and, if required by court order, supervised
19 housing.

20 (c) The council shall enter into an interagency agreement
21 with the Texas Department of Public Safety for the provision of a
22 tracking service [services]. If the equipment necessary to
23 implement that service is available through a contract entered into
24 by [The Department of Public Safety shall contract with] the Texas
25 Building and Procurement [General Services] Commission, the
26 Department of Public Safety shall acquire that equipment through
27 that contract [for the equipment necessary to implement those

1 ~~services]~~.

2 (d) The council shall enter into an interagency agreement
3 with the Texas Department of Criminal Justice [~~contract~~] for any
4 necessary supervised housing. The council shall reimburse that
5 department for housing costs under this section. The committed
6 person may not be housed for any period of time in a mental health
7 facility, state school, or community center. In this subsection:

8 (1) "Community center" means a center established
9 under Subchapter A, Chapter 534.

10 (2) "Mental health facility" has the meaning assigned
11 by Section 571.003.

12 (3) "State school" has the meaning assigned by Section
13 531.002.

14 SECTION 26. Section 841.084, Health and Safety Code, is
15 amended to read as follows:

16 Sec. 841.084. [~~PROVIDER~~] STATUS REPORTS AND OTHER
17 INFORMATION. (a) A treatment provider or a supervision provider,
18 other than the case manager or tracking service personnel, shall
19 submit, monthly or more frequently if required by the case manager,
20 a report to the case manager stating whether the person is complying
21 with treatment or supervision requirements, as applicable.

22 (b) Tracking service personnel may provide to the case
23 manager specific information relating to the person, including the
24 person's compliance with a tracking requirement or involvement in
25 criminal activity, if:

26 (1) the council and the Department of Public Safety
27 have entered into a memorandum of understanding governing:

1 (A) the release of the information by the
2 tracking personnel; and

3 (B) the use or dissemination of the information
4 by the case manager; and

5 (2) the release, use, or dissemination is not
6 prohibited by other law or agreement.

7 SECTION 27. Subsections (a), (c), and (d), Section 841.142,
8 Health and Safety Code, are amended to read as follows:

9 (a) To protect the public and to enable an assessment or [a]
10 determination relating to whether a person is a sexually violent
11 predator, any entity that possesses relevant information relating
12 to the person shall release the information to an entity charged
13 with making an assessment or [a] determination under this chapter.

14 (c) On the written request of any attorney for another state
15 or for a political subdivision in another state, the Texas
16 Department of Criminal Justice, the council, a service provider
17 contracting with one of those agencies, the multidisciplinary team,
18 and the attorney representing the state shall release to the
19 attorney any available information relating to a person that is
20 sought in connection with an attempt to civilly commit the person as
21 a sexually violent predator in another state.

22 (d) To protect the public and to enable an assessment or [a]
23 determination relating to whether a person is a sexually violent
24 predator or to enable the provision of supervision and treatment to
25 a person who is a sexually violent predator, the Texas Department of
26 Criminal Justice, the council, a service provider contracting with
27 one of those agencies, the multidisciplinary team, and the attorney

1 representing the state may exchange any available information
2 relating to the person.

3 SECTION 28. Section 841.144, Health and Safety Code, is
4 amended to read as follows:

5 Sec. 841.144. COUNSEL. (a) Immediately after the filing
6 of a petition under Section 841.041 [~~At all stages of the civil~~
7 ~~commitment proceedings under this chapter~~], a person subject to a
8 civil commitment proceeding under this chapter is entitled to the
9 assistance of counsel at all stages of the proceeding.

10 (b) If the person is indigent, the court shall appoint
11 counsel as appropriate under Section 841.005 [~~through the Office of~~
12 ~~State Counsel for Offenders~~] to assist the person.

13 SECTION 29. Subsections (b) and (c), Section 841.146,
14 Health and Safety Code, are amended to read as follows:

15 (b) Except as otherwise provided by this subsection, a [A]
16 civil commitment proceeding is subject to the rules of procedure
17 and appeal for civil cases. To the extent of any conflict between
18 this chapter and the rules of procedure and appeal for civil cases,
19 this chapter controls.

20 (c) In an amount not to exceed \$2,500 [~~\$1,600~~], the State of
21 Texas [~~state~~] shall pay all [~~the~~] costs associated with [~~of~~] a civil
22 commitment proceeding conducted under Subchapter D. The State of
23 Texas [~~For any civil commitment proceeding conducted under this~~
24 ~~chapter, the state~~] shall pay the reasonable costs of state or
25 appointed counsel or experts for any other civil commitment
26 proceeding conducted under this chapter and shall pay the
27 reasonable costs of the person's outpatient treatment and

1 supervision.

2 SECTION 30. Subchapter H, Chapter 841, Health and Safety
3 Code, is amended by adding Sections 841.1461, 841.1462, 841.1463,
4 and 841.150 to read as follows:

5 Sec. 841.1461. CERTAIN EXPERT TESTIMONY NOT REQUIRED FOR
6 CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATOR. A person who
7 suffers from a behavioral abnormality as determined under this
8 chapter is not because of that abnormality a person of unsound mind
9 for purposes of Section 15-a, Article I, Texas Constitution.

10 Sec. 841.1462. PRIVILEGE FOR PERSONAL INFORMATION THAT
11 IDENTIFIES VICTIM. Personal information, including a home address,
12 home telephone number, and social security account number, that
13 identifies the victim of a person subject to a civil commitment
14 proceeding under this chapter is privileged from discovery by that
15 person.

16 Sec. 841.1463. FAILURE TO GIVE NOTICE WITHIN RELEVANT
17 PERIOD NOT JURISDICTIONAL ERROR. The periods within which notice
18 must be given under this chapter are binding on all appropriate
19 persons as provided by this chapter, but a failure to give notice
20 within the relevant period is not a jurisdictional error.

21 Sec. 841.150. EFFECT OF CERTAIN SUBSEQUENT CONVICTIONS,
22 JUDGMENTS, OR VERDICTS ON ORDER OF CIVIL COMMITMENT. (a) Except
23 as provided by Subsection (b), the following convictions,
24 judgments, or verdicts do not affect an order of civil commitment
25 under this chapter:

26 (1) a conviction for a felony if a sentence is not
27 imposed;

1 (2) a conviction for a misdemeanor, regardless of
2 whether a sentence is imposed; and

3 (3) a judgment or verdict of not guilty by reason of
4 insanity for any offense absent a corresponding commitment to the
5 Texas Department of Mental Health and Mental Retardation.

6 (b) The statutory duties imposed by this chapter are
7 suspended for the duration of any confinement of a person who
8 receives a conviction described by Subsection (a)(2).

9 SECTION 31. Section 841.147, Health and Safety Code, is
10 amended to read as follows:

11 Sec. 841.147. IMMUNITY. The following persons are immune
12 from liability for good faith conduct under this chapter:

13 (1) an employee or officer of the Texas Department of
14 Criminal Justice, the Texas Department of Mental Health and Mental
15 Retardation, the Texas Department of Health, or the council;

16 (2) a member of the multidisciplinary team established
17 under Section 841.022;

18 (3) an employee of the division of the prison
19 prosecution unit charged with initiating and pursuing civil
20 commitment proceedings under this chapter [~~the attorney~~
21 ~~representing the state~~]; and

22 (4) a person providing, or contracting, appointed, or
23 volunteering to perform, a tracking service or another service
24 under this chapter.

25 SECTION 32. The change in law made by this Act in amending
26 Chapter 841, Health and Safety Code, applies to civil commitment
27 proceedings initiated before, on, or after the effective date of

1 this Act.

2 SECTION 33. (a) The Department of Public Safety of the
3 State of Texas shall establish the procedures required by
4 Subsections (h) and (i), Article 62.08, Code of Criminal Procedure,
5 as added by this Act, not later than October 1, 2003.

6 (b) The change in law made by this Act applies to a person
7 subject to registration under Chapter 62, Code of Criminal
8 Procedure, for an offense or conduct that was committed before, on,
9 or after the effective date of this Act.

10 SECTION 34. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 871 passed the Senate on May 6, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 30, 2003, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 871 passed the House, with amendments, on May 28, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor