

By: Shapiro

S.B. No. 871

Substitute the following for S.B. No. 871:

By: Keel

C.S.S.B. No. 871

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the sex offender registration program and to  
3 requirements imposed on certain persons under the program.

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

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

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

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

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

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

24 (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 employed  
6 or carries on a vocation for purposes of this chapter if the person  
7 works or volunteers on a full-time or part-time basis for a  
8 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) and (g), Article 62.02, Code of  
21 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          (g) If the other state has a registration requirement for  
21 sex offenders, a person who has a reportable conviction or  
22 adjudication, who resides in this state, and who is employed,  
23 carries on a vocation, or is a student in another state shall, not  
24 later than the 10th day after the date on which the person begins to  
25 work or attend school in the other state, register with the law  
26 enforcement authority that is identified by the department as the  
27 authority designated by that state to receive registration

1 information. If the person is employed, carries on a vocation, or  
2 is a student at a public or private institution of higher education  
3 in the other state and if an authority for campus security exists at  
4 the institution, the person shall also register with that authority  
5 not later than the 10th day after the date on which the person  
6 begins to work or attend school.

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

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

17 (1) inform the person that:

18 (A) not later than the seventh day after the date  
19 on which the person is released or the date on which the person  
20 moves from a previous residence to a new residence in this state,  
21 the person must:

22 (i) register or verify registration with  
23 the local law enforcement authority in the municipality or county  
24 in which the person intends to reside; or

25 (ii) if the person has not moved to an  
26 intended residence, report to the juvenile probation officer,  
27 community supervision and corrections department officer, or

1 parole officer supervising the person;

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

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

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

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

27 (2) require the person to sign a written statement

1 that the person was informed of the person's duties as described by  
2 Subdivision (1) or Subsection (h) or, if the person refuses to sign  
3 the statement, certify that the person was so informed;

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

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

8 (e) Not later than the eighth day after receiving a  
9 registration form under Subsection (b), (c), or (d), the local law  
10 enforcement authority shall verify the age of the victim, [~~the age~~  
11 ~~of the person subject to registration,~~] the basis on which the  
12 person is subject to registration under this chapter, and the  
13 person's numeric risk level. The [~~If the victim is a child younger~~  
14 ~~than 17 years of age and the basis on which the person is subject to~~  
15 ~~registration is not an adjudication of delinquent conduct and is~~  
16 ~~not a conviction or a deferred adjudication for an offense under~~  
17 ~~Section 25.02, Penal Code, the~~] authority shall immediately publish  
18 notice in English and Spanish in the newspaper of greatest paid  
19 circulation in the county in which the person subject to  
20 registration intends to reside or, if there is no newspaper of paid  
21 circulation in that county, in the newspaper of greatest general  
22 circulation in the county, except as provided by Article 62.031. If  
23 the authority publishes notice under this subsection, the [~~The~~]  
24 authority shall publish a duplicate notice in the newspaper, with  
25 any necessary corrections, during the week immediately following  
26 the week of initial publication. The local law enforcement [~~If the~~  
27 ~~victim is a child younger than 17 years of age or the person subject~~

1 ~~to registration is 17 years of age or older and a student enrolled~~  
2 ~~in a public or private secondary school, regardless of the basis on~~  
3 ~~which the person is subject to registration, the] authority shall~~  
4 also immediately provide notice to the superintendent of the public  
5 school district and to the administrator of any private primary or  
6 secondary school located in the public school district in which the  
7 person subject to registration intends to reside by mail to the  
8 office of the superintendent or administrator, as appropriate, in  
9 accordance with Article 62.032. On receipt of a notice under this  
10 subsection, the superintendent shall release the information  
11 contained in the notice to appropriate school district personnel,  
12 including peace officers and security personnel, principals,  
13 nurses, and counselors.

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

18 (1) if the person intends to reside in another state  
19 and to work or attend school in this state, the person must, not  
20 later than the seventh day after the date on which the person begins  
21 to work or attend school, register or verify registration with the  
22 local law enforcement authority in the municipality or county in  
23 which the person intends to work or attend school; ~~and]~~

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

27 (A) ~~[7]~~ not later than the 10th day after the date

1 on which the person begins to work or attend school in the other  
2 state, register with the law enforcement authority that is  
3 identified by the department as the authority designated by that  
4 state to receive registration information; and

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

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

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

17 (i) the authority for campus security for  
18 that institution; or

19 (ii) except as provided by Article  
20 62.064(e), if an authority for campus security for that institution  
21 does not exist, the local law enforcement authority of:

22 (a) the municipality in which the  
23 institution is located; or

24 (b) the county in which the  
25 institution is located, if the institution is not located in a  
26 municipality; and

27 (B) not later than the seventh day after the date



1 the person stops working or attending school, notify the  
2 appropriate authority for campus security or local law enforcement  
3 authority of the termination of the person's status as a worker or  
4 student.

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

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

- 11 (1) an adjudication of delinquent conduct; or  
12 (2) a conviction or a deferred adjudication for an  
13 offense under Section 25.02, Penal Code, or an offense under the  
14 laws of another state, federal law, or the Uniform Code of Military  
15 Justice that contains elements substantially similar to the  
16 elements of an offense under Section 25.02, Penal Code, if the  
17 victim was at the time of the offense a child younger than 17 years  
18 of age.

19 (b) In addition to the prohibition on publication  
20 established under Subsection (a), a local law enforcement authority  
21 may not publish notice in a newspaper under Article 62.04(f) if the  
22 person subject to registration is assigned a numeric risk level of  
23 one.

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

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

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

6           (3) the basis on which the person is subject to  
7 registration is a conviction, a deferred adjudication, or an  
8 adjudication of delinquent conduct for an offense under Section  
9 43.25 or 43.26, Penal Code, or an offense under the laws of another  
10 state, federal law, or the Uniform Code of Military Justice that  
11 contains elements substantially similar to the elements of an  
12 offense under either of those sections.

13           (b) A local law enforcement authority may not provide notice  
14 to the superintendent or any administrator under Article 62.03(e)  
15 or 62.04(f) if the basis on which the person is subject to  
16 registration is a conviction, a deferred adjudication, or an  
17 adjudication of delinquent conduct for an offense under Section  
18 25.02, Penal Code, or an offense under the laws of another state,  
19 federal law, or the Uniform Code of Military Justice that contains  
20 elements substantially similar to the elements of an offense under  
21 that section.

22           SECTION 7. Subsections (a), (b), (e), and (f), Article  
23 62.04, Code of Criminal Procedure, are amended to read as follows:

24           (a) If a person required to register intends to change  
25 address, regardless of whether the person intends to move to  
26 another state, the person shall, not later than the seventh day  
27 before the intended change, 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 and provide the authority and the officer  
6 with the person's anticipated move date and new address. If a  
7 person required to register changes address, the person shall, not  
8 later than the seventh day after changing the address, report in  
9 person to the local law enforcement authority in the municipality  
10 or county in which the person's new residence is located and provide  
11 the authority with proof of identity and proof of residence.

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

21 (e) If a person who reports to a local law enforcement  
22 authority under Subsection (a) does not move on or before the  
23 anticipated move date or does not move to the new address provided  
24 to the authority, the person shall:

25 (1) not later than the seventh day after the  
26 anticipated move date, report to the local law enforcement  
27 authority designated as the person's primary registration

1 authority by the department [~~with whom the person last registered~~  
2 ~~not later than the seventh day after the anticipated move date~~] and  
3 provide an explanation to the authority regarding any changes in  
4 the anticipated move date and intended residence; and

5 (2) report to the juvenile probation officer,  
6 community supervision and corrections department officer, or  
7 parole officer supervising the person not less than weekly during  
8 any period in which the person has not moved to an intended  
9 residence.

10 (f) If the person moves to another municipality or county in  
11 this state, the department shall inform the applicable local law  
12 enforcement authority in the new area of the person's residence not  
13 later than the third day after the date on which the department  
14 receives information under Subsection (a). Not later than the  
15 eighth day after the date on which the local law enforcement  
16 authority is informed under Subsection (a) or under this  
17 subsection, the authority shall verify the age of the victim, [~~the~~  
18 ~~age of the person subject to registration,~~] the basis on which the  
19 person is subject to registration under this chapter, and the  
20 person's numeric risk level. The [~~If the victim is a child younger~~  
21 ~~than 17 years of age, the basis on which the person is subject to~~  
22 ~~registration is not an adjudication of delinquent conduct and is~~  
23 ~~not a conviction or a deferred adjudication for an offense under~~  
24 ~~Section 25.02, Penal Code, and the person is not assigned a numeric~~  
25 ~~risk level of one, the~~] authority shall immediately publish notice  
26 in English and Spanish in the newspaper of greatest paid  
27 circulation in the county in which the person subject to

1 registration intends to reside or, if there is no newspaper of paid  
 2 circulation in that county, in the newspaper of greatest general  
 3 circulation in the county, except as provided by Article 62.031. If  
 4 the authority publishes notice under this subsection, the [~~The~~  
 5 ~~local law enforcement~~] authority shall publish a duplicate notice  
 6 in the newspaper, with any necessary corrections, during the week  
 7 immediately following the week of initial publication. The local  
 8 law enforcement [~~If the victim is a child younger than 17 years of~~  
 9 ~~age or the person subject to registration is 17 years of age or~~  
 10 ~~older and a student enrolled in a public or private secondary~~  
 11 ~~school, regardless of the basis on which the person is subject to~~  
 12 ~~registration or the person's numeric risk level, the~~] authority  
 13 shall also immediately provide notice to the superintendent of the  
 14 public school district and to the administrator of any private  
 15 primary or secondary school located in the public school district  
 16 in which the person subject to registration intends to reside by  
 17 mail to the office of the superintendent or administrator, as  
 18 appropriate, in accordance with Article 62.032. On receipt of a  
 19 notice under this subsection, the superintendent shall release the  
 20 information contained in the notice to appropriate school district  
 21 personnel, including peace officers and security personnel,  
 22 principals, nurses, and counselors.

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

25 Art. 62.05. STATUS REPORT BY SUPERVISING OFFICER OR LOCAL  
 26 LAW ENFORCEMENT AGENCY. (a) If the juvenile probation officer,  
 27 community supervision and corrections department officer, or

1 parole officer supervising a person subject to registration under  
2 this chapter receives information to the effect that the person's  
3 status has changed in any manner that affects proper supervision of  
4 the person, including a change in the person's physical health, job  
5 or educational status, higher educational status, incarceration,  
6 or terms of release, the supervising officer shall promptly notify  
7 the appropriate local law enforcement authority or authorities of  
8 that change. If the person required to register intends to change  
9 address, the ~~[person's]~~ supervising officer shall notify the local  
10 law enforcement authorities designated by Article 62.04(b). Not  
11 later than the seventh day after the date the supervising officer  
12 receives the relevant information, the supervising officer shall  
13 notify the local law enforcement authority of any change in the  
14 person's job or educational status in which the person:

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

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

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

1 changes the location at which the person works, or begins  
2 employment with a new employer. For purposes of this subsection, a  
3 person's health status changes if the person is hospitalized as a  
4 result of an illness. For purposes of this subsection, a change in  
5 a person's educational status includes the person's transfer from  
6 one educational facility to another. Not later than the seventh day  
7 after the date the local law enforcement authority receives the  
8 relevant information, the local law enforcement authority shall  
9 notify the department of any change in the person's job or  
10 educational status in which the person:

11 (1) becomes employed, begins to carry on a vocation,  
12 or becomes a student at a particular public or private institution  
13 of higher education; or

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

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

17 (a) A person subject to registration under this chapter who  
18 has for a sexually violent offense been convicted two or more times,  
19 received an order of deferred adjudication two or more times, or  
20 been convicted and received an order of deferred adjudication shall  
21 report to the local law enforcement authority designated as the  
22 person's primary registration authority by the department [~~with~~  
23 ~~whom the person is required to register~~] not less than once in each  
24 90-day period following the date the person first registered under  
25 this chapter to verify the information in the registration form  
26 maintained by the authority for that person. A person subject to  
27 registration under this chapter who is not subject to the 90-day

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

13 (b) A local law enforcement authority designated as a  
14 person's primary registration authority by the department [~~with~~  
15 ~~whom a person is required to register under this chapter~~] may direct  
16 the person to report to the authority to verify the information in  
17 the registration form maintained by the authority for that person.  
18 The authority may direct the person to report under this subsection  
19 once in each 90-day period following the date the person first  
20 registered under this chapter, if the person is required to report  
21 not less than once in each 90-day period under Subsection (a) or  
22 once in each year not earlier than the 30th day before and not later  
23 than the 30th day after the anniversary of the person's date of  
24 birth, if the person is required to report once each year under  
25 Subsection (a). A local law enforcement authority may not direct a  
26 person to report to the authority under this subsection if the  
27 person is required to report under Subsection (a) and is in



1 compliance with the reporting requirements of that subsection.

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

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

11 (2) complete any other information required by the  
12 form;

13 (3) sign the form; and

14 (4) return the form to the authority.

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

18 (a) Notwithstanding Article 62.06, if an individual subject  
19 to registration under this chapter is civilly committed as a  
20 sexually violent predator, the person shall report to the local law  
21 enforcement authority designated as the person's primary  
22 registration authority by the department [~~with whom the person is~~  
23 ~~required to register~~] not less than once in each 30-day period  
24 following the date the person first registered under this chapter  
25 to verify the information in the registration form maintained by  
26 the authority for that person. For purposes of this subsection, a  
27 person complies with a requirement that the person register within

1 a 30-day period following a date if the person registers at any time  
2 on or after the 27th day following that date but before the 33rd day  
3 after that date.

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

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

15 (1) the authority for campus security for that  
16 institution; or

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

19 (A) the municipality in which the institution is  
20 located; or

21 (B) the county in which the institution is  
22 located, if the institution is not located in a municipality.

23 (b) A person described by Subsection (a) shall provide the  
24 authority for campus security or the local law enforcement  
25 authority with all information the person is required to provide  
26 under Article 62.02(b).

27 (c) A person described by Subsection (a) shall notify the

1 authority for campus security or the local law enforcement  
2 authority not later than the seventh day after the date of  
3 termination of the person's status as a worker or student at the  
4 institution.

5 (d) The authority for campus security or the local law  
6 enforcement authority shall promptly forward to the administrative  
7 office of the institution any information received from the person  
8 under this article and any information received from the department  
9 under Article 62.08.

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

13 (f) This article does not impose the requirements of public  
14 notification or notification to public or private primary or  
15 secondary schools on:

16 (1) an authority for campus security; or

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

20 (g) Notwithstanding Article 62.062, the requirements of  
21 this article supersede those of Article 62.062 for a person  
22 required to register under both this article and Article 62.062.

23 (h) Regardless of the date on which the person began to work  
24 or attend school, a person described by Subsection (a) who is  
25 employed, carrying on a vocation, or is a student at a public or  
26 private institution of higher education in this state on September  
27 1, 2003, shall report that fact not later than October 1, 2003, to

1 the appropriate authority as described by Subsection (a). This  
2 subsection expires September 1, 2004.

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

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

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

10 (2) that is required by the department under Article  
11 62.02(b)(7) [62.02(b)(6)]; or

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

14 (h) Not later than the third day after the date on which the  
15 applicable information becomes available through the person's  
16 registration or verification of registration or under Article  
17 62.05, the department shall send notice of any person required to  
18 register under this chapter who is or will be employed, carrying on  
19 a vocation, or a student at a public or private institution of  
20 higher education in this state to:

21 (1) for an institution in this state:

22 (A) the authority for campus security for that  
23 institution; or

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

26 (i) the municipality in which the  
27 institution is located; or

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

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

5                    (i) On the written request of an institution of higher  
6 education described by Subsection (h) that identifies an individual  
7 and states that the individual has applied to work or study at the  
8 institution, the department shall release any information  
9 described by Subsection (a) to the institution.

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

12                    (a) The department, a penal institution, ~~[or]~~ a local law  
13 enforcement authority, or an authority for campus security may  
14 release to the public information regarding a person required to  
15 register only if the information is public information under this  
16 chapter.

17                    (d) A private primary or secondary school, public or private  
18 institution of higher education, or administrator of a private  
19 primary or secondary school or public or private institution of  
20 higher education may release to the public information regarding a  
21 person required to register only if the information is public  
22 information under this chapter and is released to the administrator  
23 under Article 62.03, ~~[or]~~ 62.04, 62.064, or 62.08. A private  
24 primary or secondary school, public or private institution of  
25 higher education, or administrator of a private primary or  
26 secondary school or public or private institution of higher  
27 education is not liable under any law for damages arising from

1 conduct authorized by this subsection.

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

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

9 (1) a sexually violent offense;

10 (2) an offense under Section 25.02, 43.05(a)(2), or  
11 43.26, Penal Code;

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

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

21 (A) the judgment in the case contains an  
22 affirmative finding under Article 42.015[~~as added by Chapter~~  
23 ~~1193, Acts of the 76th Legislature, Regular Session, 1999,~~] or, for  
24 a deferred adjudication, the papers in the case contain an  
25 affirmative finding that the victim or intended victim was younger  
26 than 17 years of age; and

27 (B) before or after the person is convicted or

1 adjudicated for the offense under Section 20.02, 20.03, or 20.04,  
2 Penal Code, the person receives or has received another reportable  
3 conviction or adjudication, other than an adjudication of  
4 delinquent conduct, for an offense or conduct that requires  
5 registration under this chapter.

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

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

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

21 (q) If the court grants the motion, a copy of the court's  
22 order shall be sent to:

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

27 (2) at the request of the person required to register

1 under this chapter, each public or private agency or organization  
2 that at any time following the initial dissemination of the order  
3 under Subdivision (1) gains possession of sex offender registration  
4 information pertaining to that person, if the agency or  
5 organization did not otherwise receive a copy of the order under  
6 Subdivision (1).

7 (q-1) An ~~[The]~~ order under Subsection (q) shall require the  
8 recipient to conform its records to the court's orders either by  
9 deleting the sex offender registration information or changing its  
10 status to nonpublic, as the order requires. A public or private  
11 institution of higher education may not be required to delete the  
12 sex offender registration information under this subsection.

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

22 SECTION 16. (a) The Department of Public Safety of the  
23 State of Texas shall establish the procedures required by  
24 Subsections (h) and (i), Article 62.08, Code of Criminal Procedure,  
25 as added by this Act, not later than October 1, 2003.

26 (b) The change in law made by this Act applies to a person  
27 subject to registration under Chapter 62, Code of Criminal



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1 Procedure, for an offense or conduct that was committed before, on,  
2 or after the effective date of this Act.

3 SECTION 17. This Act takes effect September 1, 2003.