

By: Shapiro

S.B. No. 871

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

18 SECTION 2. Article 62.03(a), Code of Criminal Procedure, is
19 amended to read as follows:

20 (a) Before a person who will be subject to registration
21 under this chapter is due to be released from a penal institution,
22 the Texas Department of Criminal Justice or the Texas Youth
23 Commission shall determine the person's level of risk to the
24 community using the sex offender screening tool developed or

1 selected under Article 62.035 and assign to the person a numeric
2 risk level of one, two, or three. Before releasing the person, an
3 official of the penal institution shall:

4 (1) inform the person that:

5 (A) not later than the seventh day after the date
6 on which the person is released or the date on which the person
7 moves from a previous residence to a new residence in this state,
8 the person must:

9 (i) register or verify registration with
10 the local law enforcement authority in the municipality or county
11 in which the person intends to reside; or

12 (ii) if the person has not moved to an
13 intended residence, report to the juvenile probation officer,
14 community supervision and corrections department officer, or
15 parole officer supervising the person;

16 (B) not later than the seventh day before the
17 date on which the person moves to a new residence in this state or
18 another state, the person must report in person to the local law
19 enforcement authority designated as the person's primary
20 registration authority by the department [~~with whom the person last~~
21 ~~registered~~] and to the juvenile probation officer, community
22 supervision and corrections department officer, or parole officer
23 supervising the person;

24 (C) not later than the 10th day after the date on
25 which the person arrives in another state in which the person
26 intends to reside, the person must register with the law
27 enforcement agency that is identified by the department as the

1 agency designated by that state to receive registration
2 information, if the other state has a registration requirement for
3 sex offenders; and

4 (D) not later than the 30th day after the date on
5 which the person is released, the person must apply to the
6 department in person for the issuance of an original or renewal
7 driver's license or personal identification certificate and a
8 failure to apply to the department as required by this paragraph
9 results in the automatic revocation of any driver's license or
10 personal identification certificate issued by the department to the
11 person;

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

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

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

20 SECTION 3. Articles 62.04(a), (b), and (e), Code of
21 Criminal Procedure, are amended to read as follows:

22 (a) If a person required to register intends to change
23 address, regardless of whether the person intends to move to
24 another state, the person shall, not later than the seventh day
25 before the intended change, report in person to the local law
26 enforcement authority designated as the person's primary
27 registration authority by the department [~~with whom the person last~~

1 ~~registered]~~ and to the juvenile probation officer, community
2 supervision and corrections department officer, or parole officer
3 supervising the person and provide the authority and the officer
4 with the person's anticipated move date and new address. If a
5 person required to register changes address, the person shall, not
6 later than the seventh day after changing the address, report in
7 person to the local law enforcement authority in the municipality
8 or county in which the person's new residence is located and provide
9 the authority with proof of identity and proof of residence.

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

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

23 (1) not later than the seventh day after the
24 anticipated move date, report to the local law enforcement
25 authority designated as the person's primary registration
26 authority by the department [~~with whom the person last registered~~
27 ~~not later than the seventh day after the anticipated move date]~~ and

1 provide an explanation to the authority regarding any changes in
2 the anticipated move date and intended residence; and

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

8 SECTION 4. Article 62.05(b), Code of Criminal Procedure, is
9 amended to read as follows:

10 (b) A person subject to registration under this chapter
11 shall report to the local law enforcement authority designated as
12 the person's primary registration authority by the department any
13 change in the person's physical health or job status not later than
14 the seventh day after the date of the change. For purposes of this
15 subsection, a person's job status changes if the person leaves
16 employment for any reason, remains employed by an employer but
17 changes the location at which the person works, or begins
18 employment with a new employer. For purposes of this subsection, a
19 person's health status changes if the person is hospitalized as a
20 result of an illness.

21 SECTION 5. Articles 62.06(a), (b), and (d), Code of
22 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 6. Article 62.061(a), Code of Criminal Procedure,
22 as added by Chapter 444, Acts of the 76th Legislature, Regular
23 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 7. Article 62.12(a), Code of Criminal Procedure, as
11 amended by Chapters 211 and 1297, Acts of the 77th Legislature,
12 Regular Session, 2001, is reenacted and amended to read as follows:

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

16 (1) a sexually violent offense;

17 (2) an offense under Section 25.02, 43.05(a)(2), or
18 43.26, Penal Code;

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

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

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

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

13 SECTION 8. The change in law made by this Act applies to a
14 person subject to registration under Chapter 62, Code of Criminal
15 Procedure, for an offense or conduct that was committed before, on,
16 or after the effective date of this Act.

17 SECTION 9. This Act takes effect September 1, 2003.