

1-1 By: Shapiro S.B. No. 871
1-2 (In the Senate - Filed March 5, 2003; March 11, 2003, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 29, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 29, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 871 By: Whitmire

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to requirements imposed by the sex offender registration
1-11 statute.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 62, Code of Criminal Procedure, is
1-14 amended by adding Article 62.0102 to read as follows:

1-15 Art. 62.0102. DETERMINATION REGARDING PRIMARY REGISTRATION
1-16 AUTHORITY. (a) For each person subject to registration under this
1-17 chapter, the department shall determine which local law enforcement
1-18 authority serves as the person's primary registration authority
1-19 based on the municipality or county in which the person resides or,
1-20 as provided by Article 62.061, as added by Chapters 1193 and 1415,
1-21 Acts of the 76th Legislature, Regular Session, 1999, the
1-22 municipality or county in which the person works or attends school.

1-23 (b) The department shall ensure that each person subject to
1-24 registration under this chapter is notified of the person's primary
1-25 registration authority in a timely manner.

1-26 SECTION 2. Subsection (a), Article 62.011, Code of Criminal
1-27 Procedure, is amended to read as follows:

1-28 (a) A person is employed or carries on a vocation for
1-29 purposes of this chapter if the person works or volunteers on a
1-30 full-time or part-time basis for a consecutive period exceeding 14
1-31 days or for an aggregate period exceeding 30 days in a calendar
1-32 year. A person works for purposes of this subsection regardless
1-33 of [] whether the person works for compensation or for governmental
1-34 or educational benefit.

1-35 SECTION 3. Subsection (a), Article 62.03, Code of Criminal
1-36 Procedure, is amended to read as follows:

1-37 (a) Before a person who will be subject to registration
1-38 under this chapter is due to be released from a penal institution,
1-39 the Texas Department of Criminal Justice or the Texas Youth
1-40 Commission shall determine the person's level of risk to the
1-41 community using the sex offender screening tool developed or
1-42 selected under Article 62.035 and assign to the person a numeric
1-43 risk level of one, two, or three. Before releasing the person, an
1-44 official of the penal institution shall:

1-45 (1) inform the person that:

1-46 (A) not later than the seventh day after the date
1-47 on which the person is released or the date on which the person
1-48 moves from a previous residence to a new residence in this state,
1-49 the person must:

1-50 (i) register or verify registration with
1-51 the local law enforcement authority in the municipality or county
1-52 in which the person intends to reside; or

1-53 (ii) if the person has not moved to an
1-54 intended residence, report to the juvenile probation officer,
1-55 community supervision and corrections department officer, or
1-56 parole officer supervising the person;

1-57 (B) not later than the seventh day before the
1-58 date on which the person moves to a new residence in this state or
1-59 another state, the person must report in person to the local law
1-60 enforcement authority designated as the person's primary
1-61 registration authority by the department [with whom the person last
1-62 registered] and to the juvenile probation officer, community
1-63 supervision and corrections department officer, or parole officer

2-1 supervising the person;

2-2 (C) not later than the 10th day after the date on
2-3 which the person arrives in another state in which the person
2-4 intends to reside, the person must register with the law
2-5 enforcement agency that is identified by the department as the
2-6 agency designated by that state to receive registration
2-7 information, if the other state has a registration requirement for
2-8 sex offenders; and

2-9 (D) not later than the 30th day after the date on
2-10 which the person is released, the person must apply to the
2-11 department in person for the issuance of an original or renewal
2-12 driver's license or personal identification certificate and a
2-13 failure to apply to the department as required by this paragraph
2-14 results in the automatic revocation of any driver's license or
2-15 personal identification certificate issued by the department to the
2-16 person;

2-17 (2) require the person to sign a written statement
2-18 that the person was informed of the person's duties as described by
2-19 Subdivision (1) or Subsection (h) or, if the person refuses to sign
2-20 the statement, certify that the person was so informed;

2-21 (3) obtain the address where the person expects to
2-22 reside on the person's release and other registration information,
2-23 including a photograph and complete set of fingerprints; and

2-24 (4) complete the registration form for the person.

2-25 SECTION 4. Subsections (a), (b), and (e), Article 62.04,
2-26 Code of Criminal Procedure, are amended to read as follows:

2-27 (a) If a person required to register intends to change
2-28 address, regardless of whether the person intends to move to
2-29 another state, the person shall, not later than the seventh day
2-30 before the intended change, report in person to the local law
2-31 enforcement authority designated as the person's primary
2-32 registration authority by the department [~~with whom the person last~~
2-33 ~~registered~~] and to the juvenile probation officer, community
2-34 supervision and corrections department officer, or parole officer
2-35 supervising the person and provide the authority and the officer
2-36 with the person's anticipated move date and new address. If a
2-37 person required to register changes address, the person shall, not
2-38 later than the seventh day after changing the address, report in
2-39 person to the local law enforcement authority in the municipality
2-40 or county in which the person's new residence is located and provide
2-41 the authority with proof of identity and proof of residence.

2-42 (b) Not later than the third day after receipt of notice
2-43 under Subsection (a), the person's juvenile probation officer,
2-44 community supervision and corrections department officer, or
2-45 parole officer shall forward the information provided under
2-46 Subsection (a) to the local law enforcement authority designated as
2-47 the person's primary registration authority by the department [~~with~~
2-48 ~~whom the person last registered~~] and, if the person intends to move
2-49 to another municipality or county in this state, to the applicable
2-50 local law enforcement authority in that municipality or county.

2-51 (e) If a person who reports to a local law enforcement
2-52 authority under Subsection (a) does not move on or before the
2-53 anticipated move date or does not move to the new address provided
2-54 to the authority, the person shall:

2-55 (1) not later than the seventh day after the
2-56 anticipated move date, report to the local law enforcement
2-57 authority designated as the person's primary registration
2-58 authority by the department [~~with whom the person last registered~~
2-59 ~~not later than the seventh day after the anticipated move date~~] and
2-60 provide an explanation to the authority regarding any changes in
2-61 the anticipated move date and intended residence; and

2-62 (2) report to the juvenile probation officer,
2-63 community supervision and corrections department officer, or
2-64 parole officer supervising the person not less than weekly during
2-65 any period in which the person has not moved to an intended
2-66 residence.

2-67 SECTION 5. Subsection (b), Article 62.05, Code of Criminal
2-68 Procedure, is amended to read as follows:

2-69 (b) A person subject to registration under this chapter

3-1 shall report to the local law enforcement authority designated as
 3-2 the person's primary registration authority by the department any
 3-3 change in the person's physical health or job status not later than
 3-4 the seventh day after the date of the change. For purposes of this
 3-5 subsection, a person's job status changes if the person leaves
 3-6 employment for any reason, remains employed by an employer but
 3-7 changes the location at which the person works, or begins
 3-8 employment with a new employer. For purposes of this subsection, a
 3-9 person's health status changes if the person is hospitalized as a
 3-10 result of an illness.

3-11 SECTION 6. Subsections (a), (b), and (d), Article 62.06,
 3-12 Code of Criminal Procedure, are amended to read as follows:

3-13 (a) A person subject to registration under this chapter who
 3-14 has for a sexually violent offense been convicted two or more times,
 3-15 received an order of deferred adjudication two or more times, or
 3-16 been convicted and received an order of deferred adjudication shall
 3-17 report to the local law enforcement authority designated as the
 3-18 person's primary registration authority by the department [~~with~~
 3-19 ~~whom the person is required to register~~] not less than once in each
 3-20 90-day period following the date the person first registered under
 3-21 this chapter to verify the information in the registration form
 3-22 maintained by the authority for that person. A person subject to
 3-23 registration under this chapter who is not subject to the 90-day
 3-24 reporting requirement described by this subsection shall report to
 3-25 the local law enforcement authority designated as the person's
 3-26 primary registration authority by the department [~~with whom the~~
 3-27 ~~person is required to register~~] once each year not earlier than the
 3-28 30th day before and not later than the 30th day after the
 3-29 anniversary of the person's date of birth to verify the information
 3-30 in the registration form maintained by the authority for that
 3-31 person. For purposes of this subsection, a person complies with a
 3-32 requirement that the person register within a 90-day period
 3-33 following a date if the person registers at any time on or after the
 3-34 83rd day following that date but before the 98th day after that
 3-35 date.

3-36 (b) A local law enforcement authority designated as a
 3-37 person's primary registration authority by the department [~~with~~
 3-38 ~~whom a person is required to register under this chapter~~] may direct
 3-39 the person to report to the authority to verify the information in
 3-40 the registration form maintained by the authority for that person.
 3-41 The authority may direct the person to report under this subsection
 3-42 once in each 90-day period following the date the person first
 3-43 registered under this chapter, if the person is required to report
 3-44 not less than once in each 90-day period under Subsection (a) or
 3-45 once in each year not earlier than the 30th day before and not later
 3-46 than the 30th day after the anniversary of the person's date of
 3-47 birth, if the person is required to report once each year under
 3-48 Subsection (a). A local law enforcement authority may not direct a
 3-49 person to report to the authority under this subsection if the
 3-50 person is required to report under Subsection (a) and is in
 3-51 compliance with the reporting requirements of that subsection.

3-52 (d) A local law enforcement authority designated as a
 3-53 person's primary registration authority by the department [~~with~~
 3-54 ~~whom a person is required to register under this chapter~~] may at any
 3-55 time mail a nonforwardable verification form to the last reported
 3-56 address of the person. Not later than the 21st day after receipt of
 3-57 a verification form under this subsection, the person shall:

3-58 (1) indicate on the form whether the person still
 3-59 resides at the last reported address and, if not, provide on the
 3-60 form the person's new address;

3-61 (2) complete any other information required by the
 3-62 form;

3-63 (3) sign the form; and

3-64 (4) return the form to the authority.

3-65 SECTION 7. Subsection (a), Article 62.061, Code of Criminal
 3-66 Procedure, as added by Chapter 444, Acts of the 76th Legislature,
 3-67 Regular Session, 1999, is amended to read as follows:

3-68 (a) Notwithstanding Article 62.06, if an individual subject
 3-69 to registration under this chapter is civilly committed as a

4-1 sexually violent predator, the person shall report to the local law
4-2 enforcement authority designated as the person's primary
4-3 registration authority by the department [~~with whom the person is~~
4-4 ~~required to register~~] not less than once in each 30-day period
4-5 following the date the person first registered under this chapter
4-6 to verify the information in the registration form maintained by
4-7 the authority for that person. For purposes of this subsection, a
4-8 person complies with a requirement that the person register within
4-9 a 30-day period following a date if the person registers at any time
4-10 on or after the 27th day following that date but before the 33rd day
4-11 after that date.

4-12 SECTION 8. Subsection (a), Article 62.12, Code of Criminal
4-13 Procedure, as amended by Chapters 211 and 1297, Acts of the 77th
4-14 Legislature, Regular Session, 2001, is reenacted and amended to
4-15 read as follows:

4-16 (a) The duty to register for a person ends when the person
4-17 dies if the person has a reportable conviction or adjudication,
4-18 other than an adjudication of delinquent conduct, for:

4-19 (1) a sexually violent offense;

4-20 (2) an offense under Section 25.02, 43.05(a)(2), or
4-21 43.26, Penal Code;

4-22 (3) an offense under Section 21.11(a)(2), Penal Code,
4-23 if before or after the person is convicted or adjudicated for the
4-24 offense under Section 21.11(a)(2), Penal Code, the person receives
4-25 or has received another reportable conviction or adjudication,
4-26 other than an adjudication of delinquent conduct, for an offense or
4-27 conduct that requires registration under this chapter; or

4-28 (4) an offense under Section 20.02, 20.03, or 20.04,
4-29 Penal Code, or an attempt, conspiracy, or solicitation to commit
4-30 one of those offenses, if:

4-31 (A) the judgment in the case contains an
4-32 affirmative finding under Article 42.015[~~, as added by Chapter~~
4-33 ~~1193, Acts of the 76th Legislature, Regular Session, 1999,~~] or, for
4-34 a deferred adjudication, the papers in the case contain an
4-35 affirmative finding that the victim or intended victim was younger
4-36 than 17 years of age; and

4-37 (B) before or after the person is convicted or
4-38 adjudicated for the offense under Section 20.02, 20.03, or 20.04,
4-39 Penal Code, the person receives or has received another reportable
4-40 conviction or adjudication, other than an adjudication of
4-41 delinquent conduct, for an offense or conduct that requires
4-42 registration under this chapter.

4-43 SECTION 9. The change in law made by this Act applies to a
4-44 person subject to registration under Chapter 62, Code of Criminal
4-45 Procedure, for an offense or conduct that was committed before, on,
4-46 or after the effective date of this Act.

4-47 SECTION 10. This Act takes effect September 1, 2003.

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