

By: Hinojosa

S.B. No. 1338

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a mandatory exemption from sex offender registration
3 for certain offenders.

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

5 SECTION 1. Article 62.0105(d), Code of Criminal Procedure,
6 is amended to read as follows:

7 (d) After a hearing on the petition described by Subsection
8 (a), the court shall [~~may~~] issue an order exempting the person from
9 registration under this chapter if it appears by a preponderance of
10 the evidence:

11 (1) as presented by a registered sex offender
12 treatment provider, that the exemption does not threaten public
13 safety; and

14 (2) that the person's conduct did not occur without the
15 consent of the victim or intended victim as described by Section
16 22.011(b), Penal Code.

17 SECTION 2. The change in law made by this Act applies to a
18 person subject to registration under Chapter 62, Code of Criminal
19 Procedure, for an offense that was committed before, on, or after
20 the effective date of this Act.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2003.