

1-1 By: Hinojosa S.B. No. 1338
1-2 (In the Senate - Filed March 13, 2003; March 19, 2003, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 25, 2003, reported favorably by the following vote: Yeas 4,
1-5 Nays 2; April 25, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to a mandatory exemption from sex offender registration
1-9 for certain offenders.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (d), Article 62.0105, Code of
1-12 Criminal Procedure, is amended to read as follows:

1-13 (d) After a hearing on the petition described by Subsection
1-14 (a), the court shall [~~may~~] issue an order exempting the person from
1-15 registration under this chapter if it appears by a preponderance of
1-16 the evidence:

1-17 (1) as presented by a registered sex offender
1-18 treatment provider, that the exemption does not threaten public
1-19 safety; and

1-20 (2) that the person's conduct did not occur without the
1-21 consent of the victim or intended victim as described by Section
1-22 22.011(b), Penal Code.

1-23 SECTION 2. The change in law made by this Act applies to a
1-24 person subject to registration under Chapter 62, Code of Criminal
1-25 Procedure, for an offense that was committed before, on, or after
1-26 the effective date of this Act.

1-27 SECTION 3. This Act takes effect immediately if it receives
1-28 a vote of two-thirds of all the members elected to each house, as
1-29 provided by Section 39, Article III, Texas Constitution. If this
1-30 Act does not receive the vote necessary for immediate effect, this
1-31 Act takes effect September 1, 2003.

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