

Amend CSHB 867 by adding the following appropriately numbered article and renumbering the subsequent articles of the bill accordingly:

ARTICLE _____. PROXIMITY OF RESIDENCE TO SCHOOL

SECTION __.01. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.024 to read as follows:

Sec. 38.024. CERTAIN PERSONS PROHIBITED FROM RESIDING NEAR SCHOOL. (a) This section applies only to a person who is:

(1) required to register as a sex offender under Chapter 62, Code of Criminal Procedure, because of a reportable conviction or adjudication involving a victim younger than 17 years of age; or

(2) civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, and subject to outpatient treatment and supervision under that chapter.

(b) A person to whom this section applies may not reside within 1,500 feet of a public or private school campus, as measured in a straight line from the nearest property line of the residence to the nearest property line of the campus.

(c) A person to whom this section applies who resides within 1,500 feet of a school campus may remain at the person's residence if:

(1) the person resided at the residence on September 1, 2005; or

(2) the person is residing at the residence at the time that the campus is established or extended to within 1,500 feet of the residence.

(d) For each person described by Subsection (c) who remains at the residence, the state, county, or local law enforcement agency with the primary responsibility of registering or supervising the person shall provide written notice, including the person's address and a recent photograph of the person, to the appropriate public or private school campus not later than the first day of instruction each school year.

(e) A person to whom this section applies commits an offense if the person violates this section. The punishment for an offense under this subsection is a felony of the third degree and is

considered to be a conviction of an offense under Article 62.102, Code of Criminal Procedure, for purposes of enhancement under Subsection (c) of that article.

SECTION __.02. The change in law made by Section 38.024, Education Code, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.