

BILL ANALYSIS

C.S.H.B. 977
By: Leibowitz
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, there are no restrictions to where a child sex offender may live after their release from prison. A 2003 federal report said that 38.2% of child molesters returned to prison within three years of their release. This bill would create a buffer zone against newly released child sex offenders and violent sex offenders moving next to schools. The bill requires child sex offenders and civilly committed violent predators to live at least 1000 feet from a school. For offenders already living within 1000 feet of a school, the law enforcement agency responsible for registering or supervising the offender must notify the school campus of their address and provide them with a recent photograph of the offender at the beginning of each school year. A violation of this section is a third degree felony.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHB 977 states that a registered child sex offender and civilly committed sexually violent predator may not reside within 1,000 feet of a public or private school campus. This is measured in a straight line from the nearest property line of the residence to the nearest property line of the campus. A person whom this section applies who resides within 1,000 feet of a school campus may remain at the residence if the person resided at the residence on September 1, 2005 or the person is residing at the residence at the time the campus is established or extended within 1,000 feet of the residence. For each person described, who remains at the residence, the law enforcement agency responsible for registering or supervising the offender must notify the school campus of their address and a recent photograph of the offender no later than the first day of instruction each school year. The bill makes violating this section a third degree felony.

The change in law made 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.

EFFECTIVE DATE

This Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original version of the bill by making the bill applicable to private as well as public schools. The substitute also adds a penalty for violating this section to a third degree felony.