

By: Jones of Dallas

H.B. No. 670

A BILL TO BE ENTITLED

AN ACT

relating to the registration requirements for certain sex offenders and to the duty of certain health care facilities to determine the sex offender status of residents.

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

SECTION 1. Article 62.01, Code of Criminal Procedure, is amended by adding Subdivision (10) to read as follows:

(10) "Convalescent or nursing home or a related institution, continuing care facility, assisted living facility, special care facility, or intermediate care facility for the mentally retarded" means an institution or facility regulated under Chapter 242, 246, 247, 248, or 252, Health and Safety Code.

SECTION 2. Article 62.02(b), Code of Criminal Procedure, is amended to read as follows:

(b) The department shall provide the Texas Department of Criminal Justice, the Texas Youth Commission, the Texas Juvenile Probation Commission, and each local law enforcement authority, authority for campus security, county jail, and court with a form for registering persons required by this chapter to register. The registration form shall require:

(1) the person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, social security number, driver's license number, shoe size, and home address;

(2) a recent color photograph or, if possible, an

1 electronic digital image of the person and a complete set of the  
2 person's fingerprints;

3 (3) the type of offense the person was convicted of,  
4 the age of the victim, the date of conviction, and the punishment  
5 received;

6 (4) an indication as to whether the person is  
7 discharged, paroled, or released on juvenile probation, community  
8 supervision, or mandatory supervision;

9 (5) an indication of each license, as defined by  
10 Article 62.08(g), that is held or sought by the person;

11 (6) an indication as to whether the person is or will  
12 be employed, carrying on a vocation, or a student at a particular  
13 public or private institution of higher education in this state or  
14 another state, and the name and address of that institution; ~~and~~

15 (7) an indication as to whether the person is residing  
16 or intends to reside in a convalescent or nursing home or a related  
17 institution, continuing care facility, assisted living facility,  
18 special care facility, or intermediate care facility for the  
19 mentally retarded; and

20 (8) any other information required by the department.

21 SECTION 3. Article 62.03(a), Code of Criminal Procedure, is  
22 amended to read as follows:

23 (a) Before a person who will be subject to registration  
24 under this chapter is due to be released from a penal institution,  
25 the Texas Department of Criminal Justice or the Texas Youth  
26 Commission shall determine the person's level of risk to the  
27 community using the sex offender screening tool developed or

1 selected under Article 62.035 and assign to the person a numeric  
2 risk level of one, two, or three. Before releasing the person, an  
3 official of the penal institution shall:

4 (1) inform the person that:

5 (A) not later than the seventh day after the date  
6 on which the person is released or the date on which the person  
7 moves from a previous residence to a new residence in this state,  
8 the person must:

9 (i) register or verify registration with  
10 the local law enforcement authority in the municipality or county  
11 in which the person intends to reside and, if applicable, provide  
12 the authority with notice that the person is residing in a  
13 convalescent or nursing home or a related institution, continuing  
14 care facility, assisted living facility, special care facility, or  
15 intermediate care facility for the mentally retarded; or

16 (ii) if the person has not moved to an  
17 intended residence, report to the juvenile probation officer,  
18 community supervision and corrections department officer, or  
19 parole officer supervising the person;

20 (B) not later than the seventh day before the  
21 date on which the person moves to a new residence in this state or  
22 another state, the person must report in person to the local law  
23 enforcement authority designated as the person's primary  
24 registration authority by the department and to the juvenile  
25 probation officer, community supervision and corrections  
26 department officer, or parole officer supervising the person to  
27 provide notice of the person's intent to move, including, if

1 applicable, notice of the fact that the person intends to reside in  
2 a convalescent or nursing home or a related institution, continuing  
3 care facility, assisted living facility, special care facility, or  
4 intermediate care facility for the mentally retarded;

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

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

20 (E) the person must notify appropriate entities  
21 of any change in status as described by Article 62.05;

22 (2) require the person to sign a written statement  
23 that the person was informed of the person's duties as described by  
24 Subdivision (1) or Subsection (h) or, if the person refuses to sign  
25 the statement, certify that the person was so informed;

26 (3) obtain the address where the person expects to  
27 reside on the person's release and other registration information,

1 including a photograph and complete set of fingerprints; and

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

3 SECTION 4. Article 62.04, Code of Criminal Procedure, is  
4 amended by amending Subsection (a) and adding Subsection (k) to  
5 read as follows:

6 (a) If a person required to register intends to change  
7 address, regardless of whether the person intends to move to  
8 another state, the person shall, not later than the seventh day  
9 before the intended change, report in person to the local law  
10 enforcement authority designated as the person's primary  
11 registration authority by the department and to the juvenile  
12 probation officer, community supervision and corrections  
13 department officer, or parole officer supervising the person and  
14 provide the authority and the officer with the person's anticipated  
15 move date and new address and, if applicable, notice of the fact  
16 that the person intends to reside in a convalescent or nursing home  
17 or a related institution, continuing care facility, assisted living  
18 facility, special care facility, or intermediate care facility for  
19 the mentally retarded. If a person required to register changes  
20 address, the person shall, not later than the seventh day after  
21 changing the address, report in person to the local law enforcement  
22 authority in the municipality or county in which the person's new  
23 residence is located and provide the authority with proof of  
24 identity, ~~and~~ proof of residence, and, if applicable, notice of  
25 the fact that the person is residing in a convalescent or nursing  
26 home or a related institution, continuing care facility, assisted  
27 living facility, special care facility, or intermediate care

1 facility for the mentally retarded.

2 (k) Not later than the third day after the department  
3 receives notice under Subsection (d) that a person required to  
4 register under this chapter is residing or intends to reside in a  
5 convalescent or nursing home or a related institution, continuing  
6 care facility, assisted living facility, special care facility, or  
7 intermediate care facility for the mentally retarded, the  
8 department shall forward this information to the agency that  
9 licenses or certifies the home, institution, or facility in which  
10 the person is residing or intends to reside.

11 SECTION 5. Article 62.08, Code of Criminal Procedure, is  
12 amended by adding Subsection (j) to read as follows:

13 (j) The department shall maintain in the computerized  
14 central database and post on an Internet website that is accessible  
15 to the public free of charge a list of the names of persons subject  
16 to registration under this chapter who reside in a convalescent or  
17 nursing home or a related institution, continuing care facility,  
18 assisted living facility, special care facility, or intermediate  
19 care facility for the mentally retarded.

20 SECTION 6. Subchapter A, Chapter 242, Health and Safety  
21 Code, is amended by adding Section 242.018 to read as follows:

22 Sec. 242.018. SEX OFFENDER STATUS OF RESIDENTS. Not later  
23 than the third day after the date a person begins to reside in an  
24 institution, by using the Internet website maintained by the  
25 Department of Public Safety that contains the sex offender  
26 database, the institution shall determine whether the person is  
27 required to register under Chapter 62, Code of Criminal Procedure.

1 If the institution determines that the person is required to  
2 register under that chapter, the institution shall notify the  
3 Department of Public Safety that the person is a resident in the  
4 institution.

5 SECTION 7. Subchapter A, Chapter 246, Health and Safety  
6 Code, is amended by adding Section 246.008 to read as follows:

7 Sec. 246.008. SEX OFFENDER STATUS OF RESIDENTS. Not later  
8 than the third day after the date a person begins to reside in a  
9 facility, by using the Internet website maintained by the  
10 Department of Public Safety that contains the sex offender  
11 database, the facility shall determine whether the person is  
12 required to register under Chapter 62, Code of Criminal Procedure.  
13 If the facility determines that the person is required to register  
14 under that chapter, the facility shall notify the Department of  
15 Public Safety that the person is a resident in the facility.

16 SECTION 8. Subchapter A, Chapter 247, Health and Safety  
17 Code, is amended by adding Section 247.007 to read as follows:

18 Sec. 247.007. SEX OFFENDER STATUS OF RESIDENTS. Not later  
19 than the third day after the date a person begins to reside in an  
20 assisted living facility, by using the Internet website maintained  
21 by the Department of Public Safety that contains the sex offender  
22 database, the assisted living facility shall determine whether the  
23 person is required to register under Chapter 62, Code of Criminal  
24 Procedure. If the facility determines that the person is required  
25 to register under that chapter, the facility shall notify the  
26 Department of Public Safety that the person is a resident in the  
27 facility.

1           SECTION 9. Subchapter A, Chapter 248, Health and Safety  
2 Code, is amended by adding Section 248.004 to read as follows:

3           Sec. 248.004. SEX OFFENDER STATUS OF RESIDENTS. Not later  
4 than the third day after the date a person begins to reside in a  
5 special care facility, by using the Internet website maintained by  
6 the Department of Public Safety that contains the sex offender  
7 database, the special care facility shall determine whether the  
8 person is required to register under Chapter 62, Code of Criminal  
9 Procedure. If the facility determines that the person is required  
10 to register under that chapter, the facility shall notify the  
11 Department of Public Safety that the person is a resident in the  
12 facility.

13          SECTION 10. Subchapter A, Chapter 252, Health and Safety  
14 Code, is amended by adding Section 252.012 to read as follows:

15          Sec. 252.012. SEX OFFENDER STATUS OF RESIDENTS. Not later  
16 than the third day after the date a person begins to reside in a  
17 facility, by using the Internet website maintained by the  
18 Department of Public Safety that contains the sex offender  
19 database, the facility shall determine whether the person is  
20 required to register under Chapter 62, Code of Criminal Procedure.  
21 If the facility determines that the person is required to register  
22 under that chapter, the facility shall notify the Department of  
23 Public Safety that the person is a resident in the facility.

24          SECTION 11. The changes in law made by this Act to Chapter  
25 62, Code of Criminal Procedure, apply to a person subject to  
26 registration under that chapter for an offense committed or conduct  
27 engaged in before, on, or after the effective date of this Act.



1           SECTION 12. Sections 242.018, 246.008, 247.007, 248.004,  
2   and 252.012, Health and Safety Code, as added by this Act, apply to  
3   a home, institution, or facility that admits a resident on or after  
4   the effective date of this Act. A home, institution, or facility  
5   that admitted a resident before the effective date of this Act is  
6   governed by the law in effect at the time the home, institution, or  
7   facility admitted the resident, and the former law is continued in  
8   effect for that purpose.

9           SECTION 13. This Act takes effect September 1, 2005.