

By: Leibowitz, Escobar, et al.

H.B. No. 977

Substitute the following for H.B. No. 977:

By: Delisi

C.S.H.B. No. 977

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the proximity of the residences of certain sex  
3 offenders or sexually violent predators to schools; imposing a  
4 criminal penalty.

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

6 SECTION 1. Subchapter A, Chapter 38, Education Code, is  
7 amended by adding Section 38.024 to read as follows:

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

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

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

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

21 (c) A person to whom this section applies who resides within  
22 1,500 feet of a school campus may remain at the person's residence  
23 if:

24 (1) the person resided at the residence on September

1 1, 2005; or

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

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

12 (e) A person to whom this section applies commits an offense  
13 if the person violates this section. The punishment for an offense  
14 under this subsection is a felony of the third degree and is  
15 considered to be a conviction of an offense under Article 62.10,  
16 Code of Criminal Procedure, for purposes of enhancement under  
17 Subsection (c) of that article.

18 SECTION 2. The change in law made by this Act applies only  
19 to an offense committed on or after the effective date of this Act.  
20 An offense committed before the effective date of this Act is  
21 governed by the law in effect when the offense was committed, and  
22 the former law is continued in effect for that purpose. For  
23 purposes of this section, an offense was committed before the  
24 effective date of this Act if any element of the offense was  
25 committed before that date.

26 SECTION 3. This Act takes effect September 1, 2005.