

By: West

H.B. No. 2258

A BILL TO BE ENTITLED

AN ACT

relating to requiring sex offender registration based on a violation of the offense of obscenity.

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

SECTION 1. Article 62.01(5), Code of Criminal Procedure, is amended to read as follows:

(5) "Reportable conviction or adjudication" means a conviction or adjudication, regardless of the pendency of an appeal, that is:

(A) a conviction for a violation of Section 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a conviction for a violation of Section 43.05 (Compelling prostitution), 43.23 (Obscenity) if the offense is punishable under Subsection (h) of that section, 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;

(C) a conviction for a violation of Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the defendant committed the offense with intent to violate or abuse the victim sexually;

(D) a conviction for a violation of Section 30.02 (Burglary), Penal Code, if the offense is punishable under

1 Subsection (d) of that section and the defendant committed the
2 offense with intent to commit a felony listed in Paragraph (A) or
3 (C);

4 (E) a conviction for a violation of Section 20.02
5 (Unlawful restraint), 20.03 (Kidnapping), or 20.04 (Aggravated
6 kidnapping), Penal Code, if the judgment in the case contains an
7 affirmative finding under Article 42.015;

8 (F) the second conviction for a violation of
9 Section 21.08 (Indecent exposure), Penal Code;

10 (G) a conviction for an attempt, conspiracy, or
11 solicitation, as defined by Chapter 15, Penal Code, to commit an
12 offense listed in Paragraph (A), (B), (C), (D), or (E);

13 (H) an adjudication of delinquent conduct:

14 (i) based on a violation of one of the
15 offenses listed in Paragraph (A), (B), (C), (D), or (G) or, if the
16 order in the hearing contains an affirmative finding that the
17 victim or intended victim was younger than 17 years of age, one of
18 the offenses listed in Paragraph (E); or

19 (ii) for which two violations of the
20 offense listed in Paragraph (F) are shown;

21 (I) a deferred adjudication for an offense listed
22 in:

23 (i) Paragraph (A), (B), (C), (D), or (G); or

24 (ii) Paragraph (E) if the papers in the case
25 contain an affirmative finding that the victim or intended victim
26 was younger than 17 years of age;

27 (J) a conviction under the laws of another state,

1 federal law, the laws of a foreign country, or the Uniform Code of
2 Military Justice for an offense containing elements that are
3 substantially similar to the elements of an offense listed under
4 Paragraph (A), (B), (C), (D), (E), or (G);

5 (K) an adjudication of delinquent conduct under
6 the laws of another state, federal law, or the laws of a foreign
7 country based on a violation of an offense containing elements that
8 are substantially similar to the elements of an offense listed
9 under Paragraph (A), (B), (C), (D), (E), or (G);

10 (L) the second conviction under the laws of
11 another state, federal law, the laws of a foreign country, or the
12 Uniform Code of Military Justice for an offense containing elements
13 that are substantially similar to the elements of the offense of
14 indecent exposure; or

15 (M) the second adjudication of delinquent
16 conduct under the laws of another state, federal law, or the laws of
17 a foreign country based on a violation of an offense containing
18 elements that are substantially similar to the elements of the
19 offense of indecent exposure.

20 SECTION 2. Article 62.12(a), Code of Criminal Procedure, is
21 amended to read as follows:

22 (a) The duty to register for a person ends when the person
23 dies if the person has a reportable conviction or adjudication,
24 other than an adjudication of delinquent conduct, for:

25 (1) a sexually violent offense;

26 (2) an offense under Section 25.02, 43.05(a)(2), or
27 43.26, Penal Code;

1 (3) an offense under Section 21.11(a)(2), Penal Code,
2 if before or after the person is convicted or adjudicated for the
3 offense under Section 21.11(a)(2), Penal Code, the person receives
4 or has received another reportable conviction or adjudication,
5 other than an adjudication of delinquent conduct, for an offense or
6 conduct that requires registration under this chapter; ~~[or]~~

7 (4) an offense under Section 20.02, 20.03, or 20.04,
8 Penal Code, or an attempt, conspiracy, or solicitation to commit
9 one of those offenses, if:

10 (A) the judgment in the case contains an
11 affirmative finding under Article 42.015 or, for a deferred
12 adjudication, the papers in the case contain an affirmative finding
13 that the victim or intended victim was younger than 17 years of age;
14 and

15 (B) before or after the person is convicted or
16 adjudicated for the offense under Section 20.02, 20.03, or 20.04,
17 Penal Code, the person receives or has received another reportable
18 conviction or adjudication, other than an adjudication of
19 delinquent conduct, for an offense or conduct that requires
20 registration under this chapter; or

21 (5) an offense under Section 43.23, Penal Code, that
22 is punishable under Subsection (h) of that section.

23 SECTION 3. The changes in law made by this Act apply to an
24 offense committed or conduct engaged in before, on, or after
25 September 1, 2005.

26 SECTION 4. This Act takes effect September 1, 2005.