

By: Madden

H.B. No. 3043

A BILL TO BE ENTITLED

AN ACT

relating to the duration of sex offender registration requirements for certain youthful offenders.

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

SECTION 1. Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.01051 to read as follows:

Art. 62.01051. PETITION EXCUSING CONTINUED REGISTRATION FOR CERTAIN SEX OFFENDERS. (a) On or after the seventh anniversary of the date on which a person is first required to register under this chapter, the person is eligible to and may petition the court having jurisdiction over the case for an order excusing the person from continued registration under this chapter if the person:

(1) is described by Article 62.0105(b) or (c);

(2) is currently registered and subject to lifetime registration under this chapter; and

(3) in committing the offense requiring registration under this chapter, through mistake, formed a reasonable belief that the victim was not more than three years younger than the person.

(b) After a hearing on the petition filed under Subsection (a), if the court finds that the person is eligible to petition the court under this article, the court shall issue an order excusing the person from continued registration under this chapter unless excusing the person from continued registration would threaten

1 public safety. The court shall send a copy of an order entered
2 under this article to the department.

3 (c) On receipt of a copy of an order described by Subsection
4 (b), the department shall remove all information about the person
5 from the sex offender registry. The duty to remove information
6 under this article arises on the date that the department receives a
7 copy of the order.

8 (d) An order issued under this section excusing a person
9 from continued registration under this chapter does not expire, but
10 the court shall withdraw the order if, after the order is issued,
11 the person receives a reportable conviction or adjudication under
12 this chapter.

13 SECTION 2. The changes in law made by this Act in amending
14 Chapter 62, Code of Criminal Procedure, apply to a person subject to
15 that chapter on the effective date of this Act for an offense or
16 conduct committed or engaged in before, on, or after the effective
17 date of this Act.

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