

By: Averitt

S.B. No. 1445

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the placement on community supervision of and to the
3 confinement or detention in or release from a penal institution of a
4 person subject to registration under Chapter 62, Code of Criminal
5 Procedure.

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

7 SECTION 1. Article 62.03, Code of Criminal Procedure, is
8 amended by adding Subsection (j) to read as follows:

9 (j) Notwithstanding Subsections (a), (b), (c), and (h) and
10 any other law, this article applies only to:

11 (1) a release from a penal institution of a person who:
12 (A) is being released immediately after serving a
13 sentence or commitment for a reportable conviction or adjudication;
14 or

15 (B) as a condition of parole or release to
16 mandatory supervision is required to register under this chapter;
17 and

18 (2) the placement on juvenile probation or community
19 supervision of a person who, as a condition of that supervision or
20 probation, is required to register under this chapter.

21 SECTION 2. Article 62.04, Code of Criminal Procedure, is
22 amended by amending Subsections (a), (b), (d), (e), and (f) and
23 adding Subsection (k) to read as follows:

24 (a) Except as provided by Subsection (k), if ~~if~~ a person

1 required to register intends to change address, regardless of
2 whether the person intends to move to another state, the person
3 shall, not later than the seventh day before the intended change,
4 report in person to the local law enforcement authority designated
5 as the person's primary registration authority by the department
6 and to the juvenile probation officer, community supervision and
7 corrections department officer, or parole officer supervising the
8 person and provide the authority and the officer with the person's
9 anticipated move date and new address. If a person required to
10 register, including a person described by Subsection (k), changes
11 address or is released from a penal institution, the person shall,
12 not later than the seventh day after changing the address or being
13 released, report in person to the local law enforcement authority
14 in the municipality or county in which the person's new residence is
15 located and provide the authority with proof of identity and proof
16 of residence.

17 (b) Not later than the third day after receipt of notice
18 under Subsection (a) or (k), the person's juvenile probation
19 officer, community supervision and corrections department officer,
20 or parole officer shall forward the information provided under
21 Subsection (a) or (k) to the local law enforcement authority
22 designated as the person's primary registration authority by the
23 department and, if the person intends to move to another
24 municipality or county in this state, to the applicable local law
25 enforcement authority in that municipality or county.

26 (d) Not later than the third day after receipt of
27 information under Subsection (a), ~~(b)~~, or (k), whichever is

1 earlier, the local law enforcement authority shall forward this
2 information to the department and, if the person intends to move to
3 another municipality or county in this state, to the applicable
4 local law enforcement authority in that municipality or county.

5 (e) If a person who reports to a local law enforcement
6 authority under Subsection (a) or (k) does not move on or before the
7 anticipated move date or does not move to the new address provided
8 to the authority, the person shall:

9 (1) not later than the seventh day after the
10 anticipated move date, report to the local law enforcement
11 authority designated as the person's primary registration
12 authority by the department and provide an explanation to the
13 authority regarding any changes in the anticipated move date and
14 intended residence; and

15 (2) report to the juvenile probation officer,
16 community supervision and corrections department officer, or
17 parole officer supervising the person not less than weekly during
18 any period in which the person has not moved to an intended
19 residence.

20 (f) If the person moves to another municipality or county in
21 this state, the department shall inform the applicable local law
22 enforcement authority in the new area of the person's residence not
23 later than the third day after the date on which the department
24 receives information under Subsection (a) or (k). Not later than
25 the eighth day after the date on which the local law enforcement
26 authority is informed under Subsection (a) or (k) or under this
27 subsection, the authority shall verify the age of the victim, the

1 basis on which the person is subject to registration under this
2 chapter, and the person's numeric risk level. The authority shall
3 immediately publish notice in English and Spanish in the newspaper
4 of greatest paid circulation in the county in which the person
5 subject to registration intends to reside or, if there is no
6 newspaper of paid circulation in that county, in the newspaper of
7 greatest general circulation in the county, except as provided by
8 Article 62.031. If the authority publishes notice under this
9 subsection, the authority shall publish a duplicate notice in the
10 newspaper, with any necessary corrections, during the week
11 immediately following the week of initial publication. The local
12 law enforcement authority shall also immediately provide notice to
13 the superintendent of the public school district and to the
14 administrator of any private primary or secondary school located in
15 the public school district in which the person subject to
16 registration intends to reside by mail to the office of the
17 superintendent or administrator, as appropriate, in accordance
18 with Article 62.032. On receipt of a notice under this subsection,
19 the superintendent shall release the information contained in the
20 notice to appropriate school district personnel, including peace
21 officers and security personnel, principals, nurses, and
22 counselors.

23 (k) If a person required to register under this chapter is
24 released from a penal institution under circumstances not described
25 by Article 62.03(j)(1), not later than the seventh day before the
26 date the person is scheduled to be released from the penal
27 institution, the person shall notify in writing the local law

1 enforcement authority designated as the person's primary
2 registration authority immediately before the person was
3 imprisoned in or committed to the penal institution and, if
4 applicable, the juvenile probation officer, community supervision
5 and corrections department officer, or parole officer supervising
6 the person immediately before the person was imprisoned in or
7 committed to the penal institution of the person's anticipated
8 release date and address following release.

9 SECTION 3. Chapter 62, Code of Criminal Procedure, is
10 amended by adding Article 62.15 to read as follows:

11 Art. 62.15. POSTRELEASE DETENTION OR CONFINEMENT AND
12 SUBSEQUENT RELEASE OF PERSON SUBJECT TO REGISTRATION; LAW
13 ENFORCEMENT DUTIES. (a) At the time a local law enforcement
14 authority detains or confines a person in a penal institution or
15 releases a person from a penal institution under circumstances not
16 described by Article 62.03(j)(1), the authority shall use the
17 Internet website maintained by the Department of Public Safety that
18 contains the computerized central database to determine whether the
19 person is required to register under this chapter.

20 (b) If the local law enforcement authority determines that
21 the person is required to register under this chapter, unless at the
22 time of confinement, detention, or release the authority is
23 designated by the department as the person's primary registration
24 authority, the local law enforcement authority shall immediately
25 notify the department, as applicable, of the person's confinement,
26 detention, or anticipated or actual release date.

27 (c) Not later than the third day after the date the

1 department receives notice of a person's confinement, detention, or
2 release under Subsection (b), the department shall:

3 (1) notify the local law enforcement authority
4 designated by the department as the person's primary registration
5 authority of the person's confinement, detention, or release; and

6 (2) include the information contained in the notice of
7 confinement, detention, or release received under Subsection (b) in
8 the computerized central database maintained by the department
9 under Article 62.08.

10 SECTION 4. The changes in law made by this Act apply to a
11 person subject to registration under Chapter 62, Code of Criminal
12 Procedure, for an offense committed or conduct engaged in before,
13 on, or after the effective date of this Act.

14 SECTION 5. This Act takes effect September 1, 2005.