

By: Madden, et al.

H.B. No. 430

A BILL TO BE ENTITLED

AN ACT

relating to the monitoring of certain high-risk sex offenders and to information concerning certain sex offenders.

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

SECTION 1. Subchapter B, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.0531 to read as follows:

Art. 62.0531. DETERMINATION OF PREDATORY RISK LEVEL. (a)

In this article, "sexually predatory conduct" means conduct that is engaged in for the purpose of victimization and that:

(1) is directed toward a stranger, a person of casual acquaintance with whom no substantial relationship exists, or a person with whom a relationship has been established or promoted for the purpose of victimization; and

(2) violates:

(A) Section 21.11(a)(1), 22.011, or 22.021, Penal Code;

(B) Section 43.25, Penal Code;

(C) Section 20.04(a)(4), Penal Code, if the conduct is committed with the intent to violate or abuse the victim of the conduct sexually; or

(D) Section 30.02, Penal Code, if the conduct is punishable under Subsection (d) of that section and is committed with the intent to engage in conduct described by Paragraph (A) or (C).

1 (b) In addition to assigning to a person a numeric risk
2 level of one, two, or three under Article 62.053(a), before a person
3 who will be subject to registration under this chapter and who will
4 be described by Article 62.063(b) on or after release is due to be
5 released from a penal institution, the Texas Department of Criminal
6 Justice or the Texas Youth Commission, as applicable, using the
7 dynamic risk assessment tool developed or adopted by the Council on
8 Sex Offender Treatment under Section 110.164, Occupations Code,
9 shall:

10 (1) determine the likelihood that the person will
11 engage in a predatory act of sexual violence after being released
12 from the institution; and

13 (2) assign to the person a predatory risk level of low,
14 medium, or high.

15 SECTION 2. Subchapter B, Chapter 62, Code of Criminal
16 Procedure, is amended by adding Article 62.063 to read as follows:

17 Art. 62.063. MONITORING OF CERTAIN HIGH-RISK REGISTRANTS.

18 (a) In this article, "monitoring system" means an electronic
19 monitoring service, global positioning satellite service, or other
20 appropriate technological service that is designed to track a
21 person's location.

22 (b) This article applies only to a person who is released
23 from a penal institution, who is required to register under this
24 chapter as the result of a reportable conviction or adjudication,
25 and who:

26 (1) is not under the supervision and control of:

27 (A) a juvenile probation office or an agency or

1 entity operating under contract with a juvenile probation office;

2 (B) the Texas Youth Commission;

3 (C) a community supervision and corrections
4 department; or

5 (D) the parole division of the Texas Department
6 of Criminal Justice; or

7 (2) has not been civilly committed under Chapter 841,
8 Health and Safety Code.

9 (c) A person described by Subsection (b) who, under Article
10 62.0531, is assigned a predatory risk level of high shall
11 participate in the monitoring system program described by
12 Subsection (d). A person's duty to participate in the program
13 expires on the third anniversary of the date the person is released
14 from the penal institution.

15 (d) The department shall implement and coordinate a
16 monitoring system program that tracks the location of persons
17 subject to this article. The monitoring system program implemented
18 under this subsection must require:

19 (1) the department to provide to each local law
20 enforcement authority designated as the primary registration
21 authority under this chapter for a person subject to this article
22 monitoring system equipment that is sufficient to track the
23 location of the person;

24 (2) each local law enforcement authority designated as
25 a person's primary registration authority under this chapter to
26 use the monitoring system equipment provided under Subdivision (1)
27 to verify the authenticity of any geographically verifiable

1 information contained in the registration form of a person subject
2 to this article, including the person's residence; and

3 (3) the manufacturer or vendor of the monitoring
4 system equipment provided to a local law enforcement authority
5 under Subdivision (1) to provide training and technological support
6 to the authority with respect to the equipment.

7 (e) A monitoring system that is part of the monitoring
8 system program described by Subsection (d) must track a person's
9 location and periodically provide a cumulative report of a tracked
10 person's location to the department. The monitoring system does
11 not have to be capable of tracking a person's location in real time
12 or providing a real-time report of a person's location to the
13 department.

14 (f) A person who is not indigent and who is required to
15 participate in the monitoring system program described by
16 Subsection (d) is responsible for the cost of the monitoring system
17 and monthly shall pay to the person's primary registration
18 authority and to the department the amount that the primary
19 registration authority or department, as applicable, determines is
20 necessary to defray that entity's cost of operating the system with
21 respect to the person during the previous month.

22 (g) The director of the department shall adopt rules as
23 necessary to implement and coordinate the monitoring system program
24 described by Subsection (d).

25 SECTION 3. Subchapter D, Chapter 110, Occupations Code, is
26 amended by adding Section 110.164 to read as follows:

27 Sec. 110.164. DYNAMIC RISK ASSESSMENT TOOL. (a) The

1 council shall develop or adopt a dynamic risk assessment tool to be
2 used in determining the likelihood that a person confined in a penal
3 institution will engage in a predatory act of sexual violence after
4 being released from the institution.

5 (b) The dynamic risk assessment tool must enable the
6 assignment to a person of a predatory risk level of low, medium, or
7 high.

8 SECTION 4. Subchapter A, Chapter 62, Code of Criminal
9 Procedure, is amended by adding Article 62.0052 to read as follows:

10 Art. 62.0052. ELECTRONIC MAIL REPORTS FOR STATE
11 LEGISLATORS. (a) The department shall maintain an electronic mail
12 report service to which a member of the house of representatives or
13 the senate of this state may electronically subscribe.

14 (b) The electronic mail report service maintained under
15 Subsection (a) must:

16 (1) allow a subscribing representative or senator to
17 request for each zip code any portion of which is located in the
18 representative's or senator's district notification of:

19 (A) the release from a penal institution or
20 placement on deferred adjudication community supervision,
21 community supervision, or juvenile probation of a person who
22 expects to reside or resides in that zip code and is required to
23 register under this chapter; and

24 (B) any change in address of a person who expects
25 to reside or resides in that zip code and is required to register
26 under this chapter; and

27 (2) not less frequently than monthly, deliver to the

1 subscribing representative or senator a report containing the
2 information described by Subdivision (1).

3 (c) The department must include any public information
4 described by Article 62.005 in an electronic mail report sent to a
5 subscribing representative or senator.

6 SECTION 5. (a) Articles 62.0531 and 62.063, Code of
7 Criminal Procedure, as added by this Act, apply only to a person who
8 is released from a penal institution on or after January 1, 2008. A
9 person who is released from a penal institution before January 1,
10 2008, is governed by the law in effect at the time the person is
11 released from the penal institution, and that former law is
12 continued in effect for that purpose.

13 (b) The Department of Public Safety shall implement the
14 monitoring system program described by Article 62.063, Code of
15 Criminal Procedure, as added by this Act, so that the program is
16 fully functional not later than January 1, 2008.

17 (c) The Department of Public Safety shall issue a Request
18 for Qualifications or Proposal not later than September 15, 2007.
19 The selection process must include a side-by-side comparison
20 testing the products submitted in the RFQ/P. In awarding a
21 contract, the test results, product reliability, functionality,
22 and public safety must be given, at a minimum, equal consideration
23 to cost.

24 (d) The Department of Public Safety may only receive
25 responses from and contract with an Original Equipment
26 Manufacturer.

27 SECTION 6. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2007.