

By: Madden, et al.

H.B. No. 430

Substitute the following for H.B. No. 430:

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C.S.H.B. No. 430

A BILL TO BE ENTITLED

AN ACT

relating to the monitoring of certain high-risk 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).

(b) In addition to assigning to a person a numeric risk

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

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

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

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

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

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

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

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

26 (A) a juvenile probation office or an agency or
27 entity operating under contract with a juvenile probation office;

1 (B) the Texas Youth Commission;

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

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

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

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

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

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

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

1 to this article, including the person's residence; and

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

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

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

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

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

26 Sec. 110.164. DYNAMIC RISK ASSESSMENT TOOL. (a) The
27 council shall develop or adopt a dynamic risk assessment tool to be

1 used in determining the likelihood that a person confined in a penal
2 institution will engage in a predatory act of sexual violence after
3 being released from the institution.

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

7 SECTION 4. (a) Articles 62.0531 and 62.063, Code of
8 Criminal Procedure, as added by this Act, apply only to a person who
9 is released from a penal institution on or after January 1, 2008. A
10 person who is released from a penal institution before January 1,
11 2008, is governed by the law in effect at the time the person is
12 released from the penal institution, and that former law is
13 continued in effect for that purpose.

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

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2007.