

By: Eissler

H.B. No. 920

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the protection of public safety through the placement
3 of certain offenders who are public school students in alternative
4 education programs and the provision of information relating to
5 certain offenders.

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

7 SECTION 1. Subchapter A, Chapter 25, Education Code, is
8 amended by adding Section 25.0012 to read as follows:

9 Sec. 25.0012. ENROLLMENT OF STUDENTS FOUND TO HAVE ENGAGED
10 IN CERTAIN CONDUCT RESTRICTED. (a) Except as provided by
11 Subsection (b) and notwithstanding Section 25.001, a student may
12 not enroll at a public school campus if the student has been:

13 (1) convicted of an offense described by Section 3g,
14 Article 42.12, Code of Criminal Procedure;

15 (2) granted deferred adjudication community
16 supervision for an offense described by Section 3g, Article 42.12,
17 Code of Criminal Procedure;

18 (3) adjudicated to have engaged in delinquent conduct
19 that violates an offense described by Section 3g, Article 42.12,
20 Code of Criminal Procedure; or

21 (4) granted deferred prosecution for conduct that
22 violates an offense described by Section 3g, Article 42.12, Code of
23 Criminal Procedure.

24 (b) Notwithstanding Subchapter A, Chapter 37, a student to

1 whom this section applies and who is not exempt from the compulsory
2 school attendance requirements under Section 25.086 shall enroll in
3 a disciplinary alternative education program under Section 37.008
4 or a juvenile justice alternative education program under Section
5 37.011.

6 SECTION 2. Subchapter A, Chapter 38, Education Code, is
7 amended by adding Section 38.017 to read as follows:

8 Sec. 38.017. NOTICE OF SEX OFFENDER RESIDENCE. Each
9 superintendent of a school district or the superintendent's
10 designee shall subscribe to the electronic mail notification
11 service maintained by the Department of Public Safety under Article
12 62.0051, Code of Criminal Procedure, for each zip code any portion
13 of which is located in the district.

14 SECTION 3. Subchapter A, Chapter 62, Code of Criminal
15 Procedure, is amended by adding Article 62.0051 to read as follows:

16 Art. 62.0051. ELECTRONIC MAIL NOTIFICATION SERVICE. (a)
17 The department shall maintain an electronic mail notification
18 service to which any person in this state may electronically
19 subscribe.

20 (b) The electronic mail notification service maintained
21 under Subsection (a) must:

22 (1) allow a subscriber to request for a zip code
23 notification of:

24 (A) the release from a penal institution or
25 placement on deferred adjudication community supervision,
26 community supervision, or juvenile probation of a person who
27 expects to reside or resides in that zip code and is required to

1 register under this chapter; and

2 (B) any change in address of a person who resides
3 in that zip code and is required to register under this chapter; and

4 (2) respond to a subscriber via electronic mail not
5 later than the third business day after the date the department
6 receives notice of an event described by Subdivision (1).

7 (c) The department may include in an electronic mail
8 notification sent to a subscriber any public information described
9 by Article 62.005.

10 SECTION 4. (a) The Department of Public Safety shall have
11 the electronic mail notification service required to be maintained
12 under Article 62.0051, Code of Criminal Procedure, as added by this
13 Act, fully functional and able to receive subscription requests and
14 respond appropriately to those requests not later than January 1,
15 2008.

16 (b) Section 25.0012, Education Code, as added by this Act,
17 applies only to an offense committed or conduct engaged in on or
18 after the effective date of this Act. An offense committed or
19 conduct engaged in before the effective date of this Act is governed
20 by the law in effect at the time the offense was committed or
21 conduct was engaged in, and the former law is continued in effect
22 for that purpose. For purposes of this section, an offense was
23 committed or the conduct was engaged in before the effective date of
24 this Act if any element of the offense or conduct occurred before
25 that date.

26 (c) Each superintendent of a school district in this state
27 or the superintendent's designee shall comply with Section 38.017,

1 Education Code, as added by this Act, as soon as possible after the
2 electronic mail notification service required to be maintained
3 under Article 62.0051, Code of Criminal Procedure, as added by this
4 Act, is fully functional and able to receive subscription requests
5 and in no event later than the first day of the 2008-2009 school
6 year.

7 SECTION 5. This Act takes effect September 1, 2007.