

By: Bonnen, et al.

H.B. No. 958

A BILL TO BE ENTITLED

1 AN ACT

2 relating to prohibiting or otherwise restricting certain sex
3 offenders from residing or working within or otherwise entering
4 certain school premises.

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

6 SECTION 1. Article 62.053(a), Code of Criminal Procedure,
7 is amended to read as follows:

8 (a) Before a person who will be subject to registration
9 under this chapter is due to be released from a penal institution,
10 the Texas Department of Criminal Justice or the Texas Youth
11 Commission shall determine the person's level of risk to the
12 community using the sex offender screening tool developed or
13 selected under Article 62.007 and assign to the person a numeric
14 risk level of one, two, or three. Before releasing the person, an
15 official of the penal institution shall:

16 (1) inform the person that:

17 (A) not later than the later of the seventh day
18 after the date on which the person is released or after the date on
19 which the person moves from a previous residence to a new residence
20 in this state or not later than the later of the first date the
21 applicable local law enforcement authority by policy allows the
22 person to register or verify registration, the person must register
23 or verify registration with the local law enforcement authority in
24 the municipality or county in which the person intends to reside;

1 (B) not later than the seventh day after the date
2 on which the person is released or the date on which the person
3 moves from a previous residence to a new residence in this state,
4 the person must, if the person has not moved to an intended
5 residence, report to the juvenile probation officer, community
6 supervision and corrections department officer, or parole officer
7 supervising the person;

8 (C) not later than the seventh day before the
9 date on which the person moves to a new residence in this state or
10 another state, the person must report in person to the local law
11 enforcement authority designated as the person's primary
12 registration authority by the department and to the juvenile
13 probation officer, community supervision and corrections
14 department officer, or parole officer supervising the person;

15 (D) not later than the 10th day after the date on
16 which the person arrives in another state in which the person
17 intends to reside, the person must register with the law
18 enforcement agency that is identified by the department as the
19 agency designated by that state to receive registration
20 information, if the other state has a registration requirement for
21 sex offenders;

22 (E) not later than the 30th day after the date on
23 which the person is released, the person must apply to the
24 department in person for the issuance of an original or renewal
25 driver's license or personal identification certificate and a
26 failure to apply to the department as required by this paragraph
27 results in the automatic revocation of any driver's license or

1 personal identification certificate issued by the department to the
2 person; ~~and~~

3 (F) the person must notify appropriate entities
4 of any change in status as described by Article 62.057; and

5 (G) if the person enters the premises of a school
6 as described by Article 62.064 and is subject to the requirements of
7 that article, the person must immediately notify the administrative
8 office of the school of the person's presence on the premises of the
9 school and the person's registration status under this chapter;

10 (2) require the person to sign a written statement
11 that the person was informed of the person's duties as described by
12 Subdivision (1) or Subsection (g) or, if the person refuses to sign
13 the statement, certify that the person was so informed;

14 (3) obtain the address where the person expects to
15 reside on the person's release and other registration information,
16 including a photograph and complete set of fingerprints; and

17 (4) complete the registration form for the person.

18 SECTION 2. Article 62.058, Code of Criminal Procedure, is
19 amended by adding Subsection (f) to read as follows:

20 (f) A local law enforcement authority who provides a person
21 with a registration form for verification as required by this
22 chapter shall include with the form a statement and, if applicable,
23 a description of the person's duty to provide notice under Article
24 62.064.

25 SECTION 3. Chapter 62, Code of Criminal Procedure, is
26 amended by adding Article 62.064 to read as follows:

27 Art. 62.064. ENTRY ONTO SCHOOL PREMISES; NOTICE REQUIRED.

1 (a) In this article, "school" has the meaning assigned by Section
2 481.134, Health and Safety Code, including an educational program
3 provided by the Texas Youth Commission to children who are
4 committed to the commission.

5 (b) A person subject to registration under this chapter who
6 enters the premises of any school in this state during the standard
7 operating hours of the school shall immediately notify the
8 administrative office of the school of the person's presence on the
9 premises of the school and the person's registration status under
10 this chapter. The office may provide a chaperon to accompany the
11 person while the person is on the premises of the school.

12 (c) The requirements of this article:

13 (1) are in addition to any requirement associated with
14 the imposition of a child safety zone on the person under Section
15 508.187, Government Code, or Section 13B, Article 42.12; and

16 (2) do not apply to:

17 (A) a student enrolled at the school; or

18 (B) a student from another school participating
19 at an event at the school.

20 SECTION 4. Subchapter B, Chapter 62, Code of Criminal
21 Procedure, is amended by adding Article 62.065 to read as follows:

22 Art. 62.065. PROHIBITED LOCATION. (a) Notwithstanding
23 Article 62.064 and except as provided by Subsection (b), a person
24 who is required to register under this chapter may not work or
25 reside within or go in, on, or within 1,000 feet of a premises used
26 to provide an educational program to children who are committed to
27 the Texas Youth Commission.

1 (b) This article does not apply to a person who seeks to
2 enter the premises during the standard operating hours of the
3 educational program and who is the parent, conservator, or legal
4 guardian of a child committed to the commission. The person shall
5 notify appropriate administrative authorities of the person's
6 presence on the premises as required by Article 62.064.

7 SECTION 5. The change in law made by this Act applies to a
8 person subject to registration under Chapter 62, Code of Criminal
9 Procedure, for an offense or conduct that was committed before, on,
10 or after the effective date of this Act.

11 SECTION 6. This Act takes effect September 1, 2007.