

By: King of Taylor

H.B. No. 3489

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the registration requirements for sex offenders  
3 residing in certain health care facilities.

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

5 SECTION 1. Article 62.051, Code of Criminal Procedure, is  
6 amended by adding Subsection (j) to read as follows:

7 (j) A person required to register under this chapter who  
8 resides, or intends to reside, in a facility licensed under Chapter  
9 242, 247, or 252, Health and Safety Code, shall notify the facility  
10 in writing of the person's registration status under this chapter.

11 SECTION 2. Article 62.053(a), Code of Criminal Procedure,  
12 is amended to read as follows:

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

21 (1) inform the person that:

22 (A) not later than the later of the seventh day after  
23 the date on which the person is released or after the date on which  
24 the person moves from a previous residence to a new residence in

1 this state or not later than the later of the first date the  
2 applicable local law enforcement authority by policy allows the  
3 person to register or verify registration, the person must register  
4 or verify registration with the local law enforcement authority in  
5 the municipality or county in which the person intends to reside;

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

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

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

26 (E) not later than the 30th day after the date on which  
27 the person is released, the person must apply to the department in

1 person for the issuance of an original or renewal driver's license  
2 or personal identification certificate and a failure to apply to  
3 the department as required by this paragraph results in the  
4 automatic revocation of any driver's license or personal  
5 identification certificate issued by the department to the person;  
6 ~~and~~

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

9 (G) if the person resides, or intends to reside, in a  
10 facility licensed under Chapter 242, 247, or 252, Health and Safety  
11 Code, the person must notify the facility of the person's  
12 registration status under this chapter;

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

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

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

21 SECTION 3. Article 62.102(a), Code of Criminal Procedure,  
22 is amended to read as follows:

23 (a) A person commits an offense if the person is required to  
24 register and fails to comply with any requirement of this chapter,  
25 including failure to notify a nursing home, assisted living  
26 facility, or intermediate care facility for the mentally retarded,  
27 of an offenders' duty to register, as required under Article

1 62.051(j).

2 SECTION 4. Subchapter A, Chapter 242, Health and Safety  
3 Code, is amended by adding Section 242.018 to read as follows:

4 Sec. 242.018. SEX OFFENDER STATUS OF RESIDENTS. Upon  
5 receiving notice under Article 62.051 (j), Code of Criminal  
6 Procedure, the facility shall maintain a log containing the full  
7 name and address of the registered sex offender. The log shall be  
8 available for inspection by the public.

9 SECTION 5. Section 242.066(a), Health and Safety Code, is  
10 amended to read as follows:

11 (a) The department may assess an administrative penalty  
12 against a person who:

13 (1) violates this chapter or a rule, standard, or order  
14 adopted or license issued under this chapter;

15 (2) makes a false statement, that the person knows or should  
16 know is false, of a material fact:

17 (A) on an application for issuance or renewal of a  
18 license or in an attachment to the application; or

19 (B) with respect to a matter under investigation by  
20 the department;

21 (3) refuses to allow a representative of the department to  
22 inspect:

23 (A) a book, record, or file required to be maintained  
24 by an institution; or

25 (B) any portion of the premises of an institution;

26 (4) refuses to allow any person to review a log required to  
27 be maintained under Sec. 242.018 of this chapter;

1           (5) [~~(4)~~] wilfully interferes with the work of a  
2 representative of the department or the enforcement of this  
3 chapter;

4           (6) [~~(5)~~] wilfully interferes with a representative of the  
5 department preserving evidence of a violation of this chapter or a  
6 rule, standard, or order adopted or license issued under this  
7 chapter; or

8           (7) [~~(6)~~] fails to pay a penalty assessed by the department  
9 under this chapter not later than the 10th day after the date the  
10 assessment of the penalty becomes final.

11           SECTION 6. Subchapter A, Chapter 247, Health and Safety  
12 Code, is amended by adding Section 247.007 to read as follows:

13           Sec. 247.007. SEX OFFENDER STATUS OF RESIDENTS. Upon  
14 receiving notice under Article 62.051 (j), Code of Criminal  
15 Procedure, the facility shall maintain a log containing the full  
16 name and address of the registered sex offender. The log shall be  
17 available for inspection by the public.

18           SECTION 7. Section 247.0451(a), Health and Safety Code, is  
19 amended to read as follows:

20           (a) The department may assess an administrative penalty  
21 against a person who:

22                   (1) violates this chapter or a rule, standard, or  
23 order adopted under this chapter or a term of a license issued under  
24 this chapter;

25                   (2) makes a false statement, that the person knows or  
26 should know is false, of a material fact:

27                           (A) on an application for issuance or renewal of

1 a license or in an attachment to the application; or

2 (B) with respect to a matter under investigation  
3 by the department;

4 (3) refuses to allow a representative of the  
5 department to inspect:

6 (A) a book, record, or file required to be  
7 maintained by an assisted living facility; or

8 (B) any portion of the premises of an assisted  
9 living facility;

10 (4) refuses to allow any person to review a log  
11 required to be maintained under Sec. 247.007 of this chapter;

12 (5) [~~4~~] wilfully interferes with the work of a  
13 representative of the department or the enforcement of this  
14 chapter;

15 (6) [~~5~~] wilfully interferes with a representative  
16 of the department preserving evidence of a violation of this  
17 chapter or a rule, standard, or order adopted under this chapter or  
18 a term of a license issued under this chapter; or

19 (7) [~~6~~] fails to pay a penalty assessed under this  
20 chapter not later than the 30th day after the date the assessment of  
21 the penalty becomes final.

22 SECTION 8. Subchapter A, Chapter 252, Health and Safety  
23 Code, is amended by adding Section 252.012 to read as follows:

24 Sec. 252.012. SEX OFFENDER STATUS OF RESIDENTS. Upon  
25 receiving notice under Article 62.051 (j), Code of Criminal  
26 Procedure, the facility shall maintain a log containing the full  
27 name and address of the registered sex offender. The log shall be

1 available for inspection by the public.

2 SECTION 9. Section 252.065(a), Health and Safety Code, is  
3 amended to read as follows:

4 (a) The department may assess an administrative penalty  
5 against a facility that:

6 (1) violates this chapter or a rule adopted under this  
7 chapter; or

8 (2) refuses to allow any person to review a log  
9 required to be maintained under Sec. 252.012 of this chapter.

10 SECTION 10. This Act takes effect September 1, 2007.