

By: Shapiro

S.B. No. 79

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of certain sex offender registration statutes.

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

SECTION 1. (a) Article 62.001(5), Code of Criminal Procedure, as renumbered from former Article 62.01(5), Code of Criminal Procedure, and amended by Chapter 1008, Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to conform to an amendment to former Article 62.01(5) by Chapter 1273, Acts of the 79th Legislature, Regular Session, 2005, and further amended to read as follows:

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(A) a violation of Section 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a violation of Section 43.05 (Compelling prostitution), 43.25 (Sexual performance by a child), or 43.26 (Possession or promotion of child pornography), Penal Code;

(C) a violation of Section 20.04(a)(4) (Aggravated kidnapping), Penal Code, if the actor committed the

1 offense or engaged in the conduct with intent to violate or abuse
2 the victim sexually;

3 (D) a violation of Section 30.02 (Burglary),
4 Penal Code, if the offense or conduct is punishable under
5 Subsection (d) of that section and the actor committed the offense
6 or engaged in the conduct with intent to commit a felony listed in
7 Paragraph (A) or (C);

8 (E) a violation of Section 20.02 (Unlawful
9 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
10 Penal Code, if, as applicable:

11 (i) the judgment in the case contains an
12 affirmative finding under Article 42.015; or

13 (ii) the order in the hearing or the papers
14 in the case contain an affirmative finding that the victim or
15 intended victim was younger than 17 years of age;

16 (F) the second violation of Section 21.08
17 (Indecent exposure), Penal Code, but not if the second violation
18 results in a deferred adjudication;

19 (G) an attempt, conspiracy, or solicitation, as
20 defined by Chapter 15, Penal Code, to commit an offense or engage in
21 conduct listed in Paragraph (A), (B), (C), (D), or (E);

22 (H) a violation of the laws of another state,
23 federal law, the laws of a foreign country, or the Uniform Code of
24 Military Justice for or based on the violation of an offense
25 containing elements that are substantially similar to the elements
26 of an offense listed under Paragraph (A), (B), (C), (D), (E), [~~or~~]
27 (G), or (J) [~~, but not if the violation results in a deferred~~

1 ~~adjudication]; [or]~~

2 (I) the second violation of the laws of another
3 state, federal law, the laws of a foreign country, or the Uniform
4 Code of Military Justice for or based on the violation of an offense
5 containing elements that are substantially similar to the elements
6 of the offense of indecent exposure, but not if the second violation
7 results in a deferred adjudication; or

8 (J) a violation of Section 33.021 (Online
9 solicitation of a minor), Penal Code.

10 (b) Section 2, Chapter 1273, Acts of the 79th Legislature,
11 Regular Session, 2005, is repealed.

12 SECTION 2. Article 62.002, Code of Criminal Procedure, is
13 amended by amending Subsection (a) and adding Subsection (a-1) to
14 read as follows:

15 (a) This chapter applies only to a reportable conviction or
16 adjudication occurring on or after September 1, 1970, as a result of
17 which, on or after September 1, 1997, a defendant:

18 (1) is confined in a penal institution;

19 (2) is under the supervision and control of a juvenile
20 probation office or an agency or entity operating under contract
21 with a juvenile probation office, the Texas Youth Commission, a
22 community supervision and corrections department, or the parole
23 division of the Texas Department of Criminal Justice; or

24 (3) under the laws of another state, federal law, the
25 laws of a foreign country, or the Uniform Code of Military Justice:

26 (A) is confined in or under that jurisdiction in
27 a facility that is the equivalent of a penal institution in this

1 state; or

2 (B) in or under that jurisdiction, is under the
3 supervision and control of an agency or department that is the
4 equivalent of a juvenile probation office in this state or of an
5 agency or entity operating in this state under contract with a
6 juvenile probation office, the Texas Youth Commission, a community
7 supervision and corrections department, or the parole division of
8 the Texas Department of Criminal Justice.

9 (a-1) A defendant who, on or after January 1, 1997, is not
10 described by Subsection (a) is covered by the law in effect under
11 Section 8(a), Article 6252-13c.1, Revised Statutes, before that
12 article was redesignated and amended as this chapter by Chapter
13 668, Acts of the 75th Legislature, Regular Session, 1997, and that
14 former law is continued in effect for that purpose.

15 SECTION 3. The following laws are repealed:

16 (1) Section 11, Chapter 668, Acts of the 75th
17 Legislature, Regular Session, 1997; and

18 (2) Section 26, Chapter 1415, Acts of the 76th
19 Legislature, Regular Session, 1999.

20 SECTION 4. The changes in law made by this Act in amending
21 Chapter 62, Code of Criminal Procedure, apply to a person subject to
22 Chapter 62, Code of Criminal Procedure, for an offense or conduct
23 committed or engaged in before, on, or after the effective date of
24 this Act.

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