

By: Shapiro

S.B. No. 80

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 62.063 to read as follows:

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

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

(b) This article applies only to a person who is required to register under this chapter as the result of a reportable conviction or adjudication and who:

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

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

(B) the Texas Youth Commission;

(C) a community supervision and corrections department; or

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

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

(c) A person described by Subsection (b) who, under Section

1 62.053, is assigned a numeric risk level of three shall participate
2 in the monitoring system program operated by the department under
3 Subsection (d). A person's duty to participate in the program
4 expires on the third anniversary of:

5 (1) the date the person is released from a penal
6 institution or discharges community supervision or juvenile
7 probation; or

8 (2) the date a court dismisses the criminal
9 proceedings against the person and discharges the person.

10 (d) The department shall implement and operate a monitoring
11 system program that tracks the location of persons described by
12 Subsection (b). The department may consult with any state agency,
13 political subdivision of this state, or agency of a political
14 subdivision of this state in implementing, operating, and
15 maintaining the program.

16 (e) A monitoring system that is part of the monitoring
17 system program operated by the department under Subsection (d) must
18 track a person's location and periodically provide a cumulative
19 report of a tracked person's location to the department. The
20 monitoring system does not have to be capable of tracking a person's
21 location in real time or providing a real-time report of a person's
22 location to the department.

23 (f) A person who is not indigent and who is required to
24 participate in the monitoring system program operated under
25 Subsection (d) is responsible for the cost of the monitoring system
26 and monthly shall pay to the department the amount that the
27 department determines is necessary to defray the cost of operating

1 the system with respect to the person during the previous month.

2 (g) The director of the department shall adopt rules as
3 necessary to implement, operate, and maintain the monitoring system
4 program operated under Subsection (d).

5 SECTION 2. (a) Article 62.063, Code of Criminal Procedure,
6 as added by this Act, applies only to a person who on or after
7 January 1, 2008, is released from a penal institution, discharged
8 from community supervision or juvenile probation, or discharged by
9 a court after the court dismisses the criminal proceedings against
10 the person. A person who before January 1, 2008, is released from a
11 penal institution, discharged from community supervision or
12 juvenile probation, or discharged by a court after the court
13 dismisses the criminal proceedings against the person is governed
14 by the law in effect at the time the person is released from a penal
15 institution, discharged from community supervision or juvenile
16 probation, or discharged by a court after the court dismisses the
17 criminal proceedings against the person, and that former law is
18 continued in effect for that purpose.

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

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2007.