

By: Shapiro

S.B. No. 1740

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of certain sexual offenses and to the registration and supervision of sex offenders.

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

SECTION 1. Article 42.015, Code of Criminal Procedure, is amended to read as follows:

Art. 42.015. FINDING OF AGE OF VICTIM AND RELATIONSHIP OF ACTOR AND VICTIM. In the trial of an offense under Section 20.02, 20.03, or 20.04, Penal Code, or an attempt, conspiracy, or solicitation to commit one of those offenses, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that:

(1) the victim or intended victim was younger than 18 [~~17~~] years of age at the time of the offense; and

(2) the actor was not the parent or guardian of the victim.

SECTION 2. Article 42.017, Code of Criminal Procedure, is amended to read as follows:

Art. 42.017. FINDING REGARDING AGE-BASED OFFENSE. In the trial of an offense under Section 15.031, 21.11, [~~22.011, 22.021,~~] or 43.25, Penal Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that:

(1) at the time of the offense, the [~~defendant was~~

1 ~~younger than 19 years of age and the]~~ victim was a child of at least
2 13 years of age and the defendant was not more than four years older
3 than the victim; and

4 (2) the conviction is based solely on the ages of the
5 defendant and the victim or intended victim at the time of the
6 offense.

7 SECTION 3. Section 5(g), Article 42.12, Code of Criminal
8 Procedure, is amended to read as follows:

9 (g) If a judge places on community supervision under this
10 section a defendant charged with an offense under Section 15.031,
11 21.11, 22.011, 22.021, or 43.25, Penal Code, the judge shall make an
12 affirmative finding of fact and file a statement of that
13 affirmative finding with the papers in the case if the judge
14 determines that:

15 (1) at the time of the offense, the ~~[defendant was~~
16 ~~younger than 19 years of age and the]~~ victim or intended victim was
17 a child of at least 13 years of age and the defendant was not more
18 than four years older than the victim; and

19 (2) the charge to which the plea is entered under this
20 section is based solely on the ages of the defendant and the victim
21 or intended victim at the time of the offense.

22 SECTION 4. Article 62.001(5), Code of Criminal Procedure,
23 as renumbered from former Article 62.01(5), Code of Criminal
24 Procedure, and amended by Chapter 1008, Acts of the 79th
25 Legislature, Regular Session, 2005, is reenacted and amended to
26 conform to an amendment to former Article 62.01(5) by Chapter 1273,
27 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 offense or engaged in the conduct with intent to violate or abuse the victim sexually;

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

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

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

(ii) the order in the hearing or the papers

1 in the case contain an affirmative finding that the victim or
2 intended victim was younger than 18 [~~17~~] years of age and that the
3 actor was not the parent or guardian of the victim;

4 (F) a violation of Section 15.031 (Criminal
5 solicitation of a minor), Penal Code, if the offense or conduct:

6 (i) is described by Section 15.031(a),
7 Penal Code, and involves an offense described by Paragraph (C) of
8 this subdivision; or

9 (ii) is described by Section 15.031(b),
10 Penal Code;

11 (G) a violation of Section 19.03(a)(2) (Capital
12 murder), Penal Code, if the murder is committed in the course of
13 committing an offense under Section 22.021 (Aggravated sexual
14 assault), Penal Code, or an offense described by Paragraph (C) or
15 (D) of this subdivision;

16 (H) a violation of Section 20A.02(a)(2)
17 (Trafficking of persons), Penal Code, if the victim or intended
18 victim is younger than 18 years of age at the time the violation
19 occurred;

20 (I) a violation of Section 21.12 (Improper
21 relationship between educator and student) or 21.15 (Improper
22 photography or visual recording), Penal Code, if the victim or
23 intended victim is younger than 18 years of age at the time the
24 violation occurred;

25 (J) a violation of Section 33.021 (Online
26 solicitation of a minor), Penal Code;

27 (K) a violation of Section 39.04(a)(2) (Improper

1 sexual activity with person in custody), Penal Code;

2 (L) a violation of Section 43.02(a)(2)
3 (Prostitution), Penal Code, if the person whom the actor solicits
4 is younger than 18 years of age at the time of the solicitation;

5 (M) a violation of Section 43.03(a)(2)
6 (Promotion of prostitution), Penal Code, if the actor solicits
7 another to engage in sexual conduct with a person who is younger
8 than 18 years of age at the time of the solicitation;

9 (N) a violation of Section 43.23 (Obscenity),
10 Penal Code, that is punishable under Subsection (h) of that
11 section;

12 (O) a violation of Section 71.02 (Engaging in
13 organized criminal activity), Penal Code, if the actor commits or
14 conspires to commit a violation:

15 (i) of Section 22.011 (Sexual assault) or
16 22.021 (Aggravated sexual assault), Penal Code; or

17 (ii) described by Paragraph (C), (D), or
18 (G) of this subdivision;

19 (P) the second violation of Section 21.08
20 (Indecent exposure), Penal Code, but not if the second violation
21 results in a deferred adjudication;

22 (Q) [~~(G)~~] an attempt or [~~7~~] conspiracy, [~~or~~
23 ~~solicitation~~], as defined by Chapter 15, Penal Code, to commit an
24 offense or engage in conduct described by this subdivision [~~listed~~
25 ~~in Paragraph (A), (B), (C), (D), or (E)];~~

26 (R) a solicitation, as defined by Chapter 15,
27 Penal Code, and other than a solicitation described by Paragraph

1 (F), to commit an offense or engage in conduct listed in Paragraph
2 (A), (B), (C), (D), or (E);

3 (S) [~~(H)~~] a violation of a local ordinance or
4 order, the laws of another state, the United States [~~federal law~~],
5 [~~the laws of~~] a foreign country, or a federally recognized Indian
6 tribe, the Uniform Code of Military Justice, or any other criminal
7 law for or based on the violation of an offense containing elements
8 that are substantially similar to the elements of an offense
9 described by this subdivision, other than an offense described by
10 Paragraph (P) [~~listed under Paragraph (A), (B), (C), (D), (E), or~~
11 ~~(G)~~], but not if the violation results in a deferred adjudication;
12 or

13 (T) [~~(I)~~] the second violation of a local
14 ordinance or order, the laws of another state, the United States
15 [~~federal law~~], [~~the laws of~~] a foreign country, or a federally
16 recognized Indian tribe, the Uniform Code of Military Justice, or
17 any other criminal law for or based on the violation of an offense
18 containing elements that are substantially similar to the elements
19 of the offense of indecent exposure, but not if the second violation
20 results in a deferred adjudication.

21 SECTION 5. Subchapter A, Chapter 62, Code of Criminal
22 Procedure, is amended by adding Article 62.0011 to read as follows:

23 Art. 62.0011. CLASSIFICATION OF REPORTABLE CONVICTIONS OR
24 ADJUDICATIONS. (a) For purposes of this chapter, a reportable
25 conviction or adjudication is a tier one reportable conviction or
26 adjudication if the conviction, deferred adjudication, or
27 adjudication of delinquent conduct, as applicable, is not described

1 by Subsection (b) or (c).

2 (b) For purposes of this chapter, a reportable conviction or
3 adjudication is a tier two reportable conviction or adjudication if
4 the conviction or adjudication is based on a violation of:

5 (1) Section 15.031(b) (Criminal solicitation of a
6 minor), Penal Code, if the actor requests, commands, or attempts to
7 induce a minor or a person the actor believes to be a minor to engage
8 in specific conduct that would constitute an offense under Section
9 43.25 (Sexual performance by a child), Penal Code;

10 (2) Section 20A.02(a)(2) (Trafficking of persons),
11 Penal Code, in the manner described by Article 62.001(5)(H);

12 (3) Section 21.11 (Indecency with a child), Penal
13 Code, other than a violation described by Subsection (c)(2)(D);

14 (4) Section 43.02(a)(2) (Prostitution), Penal Code,
15 in the manner described by Article 62.001(5)(L);

16 (5) Section 43.03(a)(2) (Promotion of prostitution),
17 Penal Code, in the manner described by Article 62.001(5)(M);

18 (6) Section 43.05(a)(2) (Compelling prostitution),
19 Penal Code;

20 (7) Section 43.23 (Obscenity), Penal Code, that is
21 punishable under Subsection (h) of that section;

22 (8) Section 43.25 (Sexual performance by a child),
23 Penal Code; or

24 (9) Section 43.26(e) (Promotion of child
25 pornography), Penal Code.

26 (c) For purposes of this chapter, a reportable conviction or
27 adjudication is a tier three reportable conviction or adjudication

if the reportable conviction or adjudication is:

(1) an adjudication of delinquent conduct for conduct:

(A) in which the actor engaged when the actor was 14 years of age or older; and

(B) that violates or was an attempt or conspiracy to violate Section 22.021 (Aggravated sexual assault) or Section 19.03 (Capital murder), Penal Code, in the manner described by Article 62.001(5)(G); or

(2) a reportable adjudication or conviction that is not described by Subdivision (1) and is based on a violation of:

(A) Section 19.03(a)(2) (Capital murder), Penal Code, in the manner described by Article 62.001(5)(G);

(B) Section 20.03 (Kidnapping) or 20.04 (Aggravated kidnapping), Penal Code, if the victim or intended victim is younger than 18 years of age at the time of the kidnapping and the actor is not the parent or guardian of the victim;

(C) Section 20.04 (Aggravated kidnapping), Penal Code, if the actor committed the offense or engaged in the conduct with the intent to violate or abuse the victim sexually, regardless of the age of the victim;

(D) Section 21.11 (Indecency with a child), Penal Code, if the victim or intended victim is younger than 13 years of age;

(E) Section 22.011 (Sexual assault) or 22.021 (Aggravated sexual assault), Penal Code;

(F) Section 30.02 (Burglary), Penal Code, in the manner described by Article 62.001(5)(D); or

1 (G) Section 71.02 (Engaging in organized
2 criminal activity), Penal Code, in the manner described by Article
3 62.001(5)(O).

4 (d) For purposes of this article, an attempt or conspiracy
5 to commit an offense or to engage in conduct based on a violation of
6 an offense is classified as the same tier of reportable convictions
7 or adjudications as the offense or conduct that is attempted or that
8 is the object of the conspiracy.

9 (e) For purposes of this article, a reportable conviction or
10 adjudication described by Article 62.001(5)(S) or (T) is classified
11 as the same tier of reportable convictions or adjudications as a
12 reportable conviction or adjudication based on a violation of a law
13 of this state that contains elements that are substantially similar
14 to the elements of the offense giving rise to the reportable
15 conviction or adjudication described by Article 62.001(5)(S) or
16 (T).

17 (f) Notwithstanding Subsections (a)-(e), a tier one or tier
18 two reportable conviction or adjudication that a person receives
19 subsequent to another reportable conviction or adjudication is
20 classified as the next highest tier of reportable convictions or
21 adjudications.

22 SECTION 6. Article 62.002, Code of Criminal Procedure, is
23 amended by amending Subsection (a) and adding Subsection (a-1) to
24 read as follows:

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

1 (1) is confined in a penal institution;

2 (2) is under the supervision and control of a juvenile
3 probation office or an agency or entity operating under contract
4 with a juvenile probation office, the Texas Youth Commission, a
5 community supervision and corrections department, or the parole
6 division of the Texas Department of Criminal Justice; or

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

9 (A) is confined in or under that jurisdiction in
10 a facility that is the equivalent of a penal institution in this
11 state; or

12 (B) in or under that jurisdiction, is under the
13 supervision and control of an agency or department that is the
14 equivalent of a juvenile probation office in this state or of an
15 agency or entity operating in this state under contract with a
16 juvenile probation office, the Texas Youth Commission, a community
17 supervision and corrections department, or the parole division of
18 the Texas Department of Criminal Justice.

19 (a-1) A defendant who, on or after January 1, 1997, is not
20 described by Subsection (a) is covered by the law in effect under
21 Section 8(a), Article 6252-13c.1, Revised Statutes, before that
22 article was redesignated and amended as this chapter by Chapter
23 668, Acts of the 75th Legislature, Regular Session, 1997, and that
24 former law is continued in effect for that purpose.

25 SECTION 7. Articles 62.003(a) and (b), Code of Criminal
26 Procedure, are amended to read as follows:

27 (a) For the purposes of this chapter, the department is

1 responsible for determining whether an offense under a local
2 ordinance or order, the laws of another state, the United States
3 [federal law], [the laws of] a foreign country, or a federally
4 recognized Indian tribe, the Uniform Code of Military Justice, or
5 any other criminal law contains elements that are substantially
6 similar to the elements of an offense under the laws of this state.

7 (b) The department annually shall provide or make available
8 to each prosecuting attorney's office in this state:

9 (1) the criteria used in making a determination under
10 Subsection (a); and

11 (2) any existing record or compilation of offenses
12 under a local ordinance or order, the laws of another state, the
13 United States [federal law], [the laws of] a foreign country, and a
14 federally recognized Indian tribe, the Uniform Code of Military
15 Justice, and any other criminal law that the department has already
16 determined to contain elements that are substantially similar to
17 the elements of offenses under the laws of this state.

18 SECTION 8. Article 62.005, Code of Criminal Procedure, is
19 amended by amending Subsections (a) and (b) and adding Subsections
20 (a-1) and (b-1) to read as follows:

21 (a) The department shall maintain a computerized central
22 database containing the information required for registration
23 under this chapter. The department may include in the computerized
24 central database the numeric risk level assigned to a person under
25 this chapter. The central database must contain the following
26 information concerning each person required to register under this
27 chapter:

1 (1) the information contained in the registration form
2 described by Article 62.051(c);

3 (2) the text of the law that defines the offense on
4 which the reportable conviction or adjudication for which the
5 person is required to register under this chapter is based, or of
6 any other law defining an offense for which the person may be
7 required to register under this chapter as described by Article
8 62.051(a);

9 (3) the person's criminal history, including the date
10 of all arrests and convictions and the existence of any outstanding
11 warrants for the person's arrest; and

12 (4) a sample of the person's DNA.

13 (a-1) The department must design the database in a manner
14 that allows a member of the public to access through the Internet
15 all database information that is not exempted from public
16 disclosure under Subsection (b) or (b-1).

17 (b) The information contained in the database, including
18 the numeric risk level assigned to a person under this chapter, is
19 public information, with the exception of any information:

20 (1) regarding the person's social security number[~~7~~
21 ~~driver's license number, or telephone number~~];

22 (2) that is required by the department under Article
23 62.051(c)(9) and not required under this article to be included in
24 the database [62.051(c)(7)]; [or]

25 (3) that would identify the victim of the offense for
26 which the person is subject to registration; or

27 (4) concerning an arrest of the person that did not

1 result in a conviction, adjudication of delinquent conduct, or
2 grant of deferred adjudication.

3 (b-1) The department by rule:

4 (1) may exclude the following information from the
5 database with respect to a person required to register under this
6 chapter:

7 (A) any information concerning a tier one
8 reportable conviction or adjudication based on an offense or
9 conduct the victim of which was 18 years of age or older at the time
10 the person committed the offense or engaged in the conduct;

11 (B) the name of the person's employer;

12 (C) the name of an educational facility in which
13 the person is enrolled as a student; and

14 (D) any other information that the department,
15 under Article 62.0061, determines may be exempted from public
16 disclosure under federal law; and

17 (2) must exclude from the database any information not
18 otherwise described by Subdivision (1) that the department, under
19 Article 62.0061, determines must be exempted from public disclosure
20 under federal law.

21 SECTION 9. Subchapter A, Chapter 62, Code of Criminal
22 Procedure, is amended by adding Articles 62.0051, 62.0052, 62.0061,
23 and 62.0062 to read as follows:

24 Art. 62.0051. INTERNET WEBSITE FOR COMPUTERIZED CENTRAL
25 DATABASE. The Internet website through which the department allows
26 access to public information contained in the computerized central
27 database maintained under Article 62.005 must include:

1 (1) links to safety and education resources concerning
2 sex offenders;

3 (2) instructions concerning the procedure by which a
4 person may seek to correct in the database information that the
5 person believes is incorrect; and

6 (3) a warning that using information on the Internet
7 website to unlawfully injure, harass, or commit a criminal offense
8 against a person required to register under this chapter or a person
9 residing or working at an address disclosed on the database may
10 subject the actor to criminal or civil penalties.

11 Art. 62.0052. ELECTRONIC MAIL NOTIFICATION SERVICE FOR
12 SCHOOLS AND SCHOOL DISTRICTS. (a) The department shall maintain an
13 electronic mail notification service to which a superintendent of a
14 public school district or the superintendent's designee or an
15 administrator of any private primary or secondary school in this
16 state may electronically subscribe.

17 (b) The electronic mail notification service maintained
18 under Subsection (a) must:

19 (1) allow a subscriber to request for a school or
20 school district notification of:

21 (A) the release from a penal institution or
22 placement on deferred adjudication community supervision,
23 community supervision, or juvenile probation of a person who
24 expects to enroll or enrolls in that school or school district and
25 is required to register under this chapter; and

26 (B) any change in the enrollment of a person who
27 is required to register under this chapter; and

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

4 (c) The Texas Education Agency, a superintendent of a public
5 school district in this state or the superintendent's designee, or
6 an administrator of a private primary or secondary school in this
7 state shall provide the department with any information the
8 department determines is necessary to implement and operate the
9 notification service under this article.

10 (d) The department may include in an electronic mail
11 notification sent to a subscriber any public information described
12 by Article 62.005.

13 Art. 62.0061. UPDATING REQUIREMENTS. (a) The department
14 periodically shall determine whether the attorney general of the
15 United States has taken any action under the Sex Offender
16 Registration and Notification Act (42 U.S.C. Section 16901 et seq.)
17 that requires, in any manner:

18 (1) the department to amend its rules or modify the
19 contents of the registration form described by Article 62.051(c)
20 or the database maintained under Article 62.005; or

21 (2) this state to amend this chapter, including
22 amending this chapter to exclude certain offenses under the laws of
23 a foreign country from the definition of "reportable conviction or
24 adjudication" for reasons based on fundamental fairness or due
25 process, as described by the guidelines and regulations adopted by
26 the attorney general of the United States under 42 U.S.C. Section
27 16912.

1 (b) Not later than January 15 of each odd-numbered year, the
2 department shall submit to the governor, the lieutenant governor,
3 the speaker of the house of representatives, and the standing
4 committees of each house of the legislature with primary
5 jurisdiction over matters of criminal justice or corrections a
6 written report that summarizes any determinations made by the
7 department under Subsection (a)(2) between January 1 of the
8 preceding odd-numbered year and January 1 of the year in which the
9 report is submitted.

10 (c) Not later than the 30th day after the date that the
11 department determines under Subsection (a)(1) that the
12 department's rules, registration form, or database must be amended
13 or modified, the department shall amend or modify the rules, form,
14 or database, as applicable.

15 Art. 62.0062. REGISTRATION INFORMATION DISSEMINATION. (a)
16 Not later than the third business day after the date the department
17 receives a registration form under Article 62.051(e), information
18 under Article 62.055(d) or 62.057(d), or a verified registration
19 form under Article 62.058(f), the department immediately shall send
20 the information from the form or other source, as applicable, or a
21 copy of the form to:

22 (1) the attorney general of the United States;

23 (2) any agency of another jurisdiction as defined by
24 42 U.S.C. 16911 that is designated by that jurisdiction to receive
25 registration information and required under federal law to receive
26 information from the department;

27 (3) any agency responsible for conducting

1 employment-related background checks under Section 3 of the
2 National Child Protection Act of 1993 (42 U.S.C. Section 5119a);

3 (4) the Health and Human Services Commission; and
4 (5) any individual, entity, or organization,
5 including a volunteer organization that primarily serves children
6 or other vulnerable populations, that requests notification under
7 this article.

8 (b) An individual, entity, or organization may not request
9 notification under Subsection (a)(5) more frequently than once
10 every five business days.

11 SECTION 10. Article 62.009(d), Code of Criminal Procedure,
12 is amended to read as follows:

13 (d) A private primary or secondary school, public or private
14 institution of higher education, or administrator of a private
15 primary or secondary school or public or private institution of
16 higher education may release to the public information regarding a
17 person required to register under this chapter only if the
18 information is public information under this chapter and is
19 released to the administrator under Article 62.005, 62.053,
20 ~~[62.054,]~~ 62.055, or 62.153. A private primary or secondary
21 school, public or private institution of higher education, or
22 administrator of a private primary or secondary school or public or
23 private institution of higher education is not liable under any law
24 for damages arising from conduct authorized by this subsection.

25 SECTION 11. Articles 62.051(a), (c), (h), and (i), Code of
26 Criminal Procedure, are amended to read as follows:

27 (a) A person who has a reportable conviction or adjudication

or who is required to register as a condition of parole, release to mandatory supervision, or community supervision shall register or, if the person is a person for whom registration is completed under this chapter, verify registration as provided by Subsection (f), with the local law enforcement authority in any municipality where the person resides or intends to reside for more than seven days. If the person does not reside or intend to reside in a municipality, the person shall register or verify registration in any county where the person resides or intends to reside for more than seven days. The person shall satisfy the requirements of this subsection not later than ~~the later of:~~

~~[(1)]~~ the third business ~~[seventh]~~ day after the person's arrival in the municipality or county~~, or~~

~~[(2) the first date the local law enforcement authority of the municipality or county by policy allows the person to register or verify registration, as applicable].~~

(c) The registration form shall require:

(1) the person's full name, ~~[each alias]~~ date of birth, sex, race, height, weight, eye color, hair color, social security number, driver's license number, and shoe size, each alias used by the person, and each home owned or leased by the person or any other address at which the person resides or intends to reside;

(2) a current ~~[recent]~~ color photograph or, if possible, a current ~~[an]~~ electronic digital image of the person, a photocopy of the driver's license or personal identification certificate of the person, and a complete set of the person's fingerprints and palm prints;

1 (3) the type of offense the person was convicted of,
2 the age of the victim, the date of conviction, and the punishment
3 received;

4 (4) an indication as to whether the person is
5 discharged, paroled, or released on juvenile probation, community
6 supervision, or mandatory supervision;

7 (5) an indication of each license, as defined by
8 Article 62.005(g), that is held or sought by the person;

9 (6) an indication as to whether the person is or will
10 be employed, carrying on a vocation, or a student at an educational
11 facility in this state or another state, including a public or
12 private primary or secondary school and a [particular] public or
13 private institution of higher education [in this state or another
14 state], and the name and address of that educational facility
15 [institution]; [and]

16 (7) an indication as to whether the person is or will
17 be employed or carrying on a vocation other than as described by
18 Subdivision (6), and the name and address of the person's employer
19 or anticipated employer or the address at which the person is or
20 will be carrying on the vocation, as applicable;

21 (8) a description of any motor vehicle owned or driven
22 by the person, including the license plate number of the motor
23 vehicle; and

24 (9) any other information required by the department.

25 (h) If a person subject to registration under this chapter
26 does not move to an intended residence by the end of the third
27 business ~~[seventh]~~ day after the date on which the person is

1 released or the date on which the person leaves a previous
2 residence, the person shall:

3 (1) report to the juvenile probation officer,
4 community supervision and corrections department officer, or
5 parole officer supervising the person by not later than the third
6 business [~~seventh~~] day after the date on which the person is
7 released or the date on which the person leaves a previous
8 residence, as applicable, and provide the officer with the address
9 of the person's temporary residence; and

10 (2) continue to report to the person's supervising
11 officer not less than weekly during any period of time in which the
12 person has not moved to an intended residence and provide the
13 officer with the address of the person's temporary residence.

14 (i) If the other state has a registration requirement for
15 sex offenders, a person who has a reportable conviction or
16 adjudication, who resides in this state, and who is employed,
17 carries on a vocation, or is a student in another state shall, not
18 later than the third business [~~10th~~] day after the date on which the
19 person begins to work or attend school in the other state, register
20 with the law enforcement authority that is identified by the
21 department as the authority designated by that state to receive
22 registration information. If the person is employed, carries on a
23 vocation, or is a student at a public or private institution of
24 higher education in the other state and if an authority for campus
25 security exists at the institution, the person shall also register
26 with that authority not later than the third business [~~10th~~] day
27 after the date on which the person begins to work or attend school.

SECTION 12. Subchapter B, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.0521 to read as follows:

Art. 62.0521. REGISTRATION: CONVICTION OR ADJUDICATION IN ANOTHER JURISDICTION. If a person who resides in this state is required to register under this chapter as the result of a reportable conviction or adjudication that is based on a violation of an offense under the laws of another jurisdiction as described by Article 62.001(5)(S) or (T) and defined by 42 U.S.C. Section 16911, the person shall register in the other jurisdiction with the law enforcement authority that is identified by the department as the authority designated by that state to receive registration information.

SECTION 13. Articles 62.053(a) and (e) through (g), Code of Criminal Procedure, are amended to read as follows:

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

(1) inform the person that:

(A) not later than ~~[the later of]~~ the third business ~~[seventh]~~ day after the date on which the person is released or after the date on which the person moves from a previous residence to a new residence in this state, as applicable ~~[or not~~

1 ~~later than the later of the first date the applicable local law~~
2 ~~enforcement authority by policy allows the person to register or~~
3 ~~verify registration],~~ the person must register or verify
4 registration with the local law enforcement authority in the
5 municipality or county in which the person intends to reside;

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

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

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

27 (E) not later than the 30th day after the date on

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

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

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 or addresses where the person
15 expects to reside on the person's release and other registration
16 information, including a current photograph and complete set of
17 fingerprints and palm prints; and

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

19 (e) Not later than the eighth day after receiving a
20 registration form under Subsection (b), (c), or (d), the local law
21 enforcement authority shall verify the age of the victim, the basis
22 on which the person is subject to registration under this chapter,
23 and the person's numeric risk level. The local law enforcement
24 authority shall immediately provide written notice described by
25 Subsection (f) to the superintendent of each ~~the~~ public school
26 district and to the administrator of any private primary or
27 secondary school located in each ~~the~~ public school district in

1 which the person subject to registration intends to reside, be
 2 employed or carry on a vocation, or enroll as a student ~~[by mail to~~
 3 ~~the office of the superintendent or administrator, as appropriate,~~
 4 ~~in accordance with Article 62.054]~~. On receipt of a notice under
 5 this subsection, a ~~[the]~~ superintendent shall release the
 6 information contained in the notice to appropriate school district
 7 personnel, including peace officers and security personnel,
 8 principals, nurses, and counselors. The local law enforcement
 9 agency also shall immediately provide written notice described by
 10 Subsection (f) to the administrative offices of any public housing
 11 authority located in the area in which the person subject to
 12 registration intends to reside, be employed or carry on a vocation,
 13 or enroll as a student.

14 (f) The local law enforcement authority shall include in the
 15 notice to the superintendent of each applicable ~~[the]~~ public school
 16 district, ~~[and to]~~ the administrator of any private primary or
 17 secondary school located in the public school district, and each
 18 applicable public housing authority any information the authority
 19 determines is necessary to protect the public, except information
 20 that is described by Article 62.005(b) or (b-1) ~~[+]~~

21 ~~[(1) the person's social security number, driver's~~
 22 ~~license number, or telephone number, and~~

23 ~~[(2) any information that would identify the victim of~~
 24 ~~the offense for which the person is subject to registration].~~

25 (g) Before a person who will be subject to registration
 26 under this chapter is due to be released from a penal institution in
 27 this state, an official of the penal institution shall inform the

1 person that:

2 (1) if the person intends to reside in another state
3 and to work or attend school in this state, the person must, not
4 later than ~~[the later of]~~ the third business ~~[seventh]~~ day after the
5 date on which the person begins to work or attend school ~~[or the~~
6 ~~first date the applicable local law enforcement authority by policy~~
7 ~~allows the person to register or verify registration]~~, register or
8 verify registration with the local law enforcement authority in the
9 municipality or county in which the person intends to work or attend
10 school;

11 (2) if the person intends to reside in this state and
12 to work or attend school in another state and if the other state has
13 a registration requirement for sex offenders, the person must:

14 (A) not later than the third business ~~[10th]~~ day
15 after the date on which the person begins to work or attend school
16 in the other state, register with the law enforcement authority
17 that is identified by the department as the authority designated by
18 that state to receive registration information; and

19 (B) if the person intends to be employed, carry
20 on a vocation, or be a student at a public or private institution of
21 higher education in the other state and if an authority for campus
22 security exists at the institution, register with that authority
23 not later than the third business ~~[10th]~~ day after the date on which
24 the person begins to work or attend school; and

25 (3) regardless of the state in which the person
26 intends to reside, if the person intends to be employed, carry on a
27 vocation, or be a student at a public or private institution of

1 higher education in this state, the person must:

2 (A) not later than ~~[the later of]~~ the third
3 business ~~[seventh]~~ day after the date on which the person begins to
4 work or attend school ~~[or the first date the applicable authority by~~
5 ~~policy allows the person to register]~~, register with:

6 (i) the authority for campus security for
7 that institution; or

8 (ii) except as provided by Article
9 62.153(e), if an authority for campus security for that institution
10 does not exist, the local law enforcement authority of:

11 (a) the municipality in which the
12 institution is located; or

13 (b) the county in which the
14 institution is located, if the institution is not located in a
15 municipality; and

16 (B) not later than the third business ~~[seventh]~~
17 day after the date the person stops working or attending school,
18 notify the appropriate authority for campus security or local law
19 enforcement authority of the termination of the person's status as
20 a worker or student.

21 SECTION 14. Articles 62.055(a), (c), and (e) through (h),
22 Code of Criminal Procedure, are amended to read as follows:

23 (a) If a person required to register under this chapter
24 intends to change address, regardless of whether the person intends
25 to move to another state, the person shall, not later than the
26 seventh day before the intended change, report in person to the
27 local law enforcement authority designated as the person's primary

1 registration authority by the department and to the juvenile
2 probation officer, community supervision and corrections
3 department officer, or parole officer supervising the person and
4 provide the authority and the officer with the person's anticipated
5 move date and new address. If a person required to register changes
6 address, the person shall, not later than ~~[the later of]~~ the third
7 business ~~[seventh]~~ day after changing the address ~~[or the first~~
8 ~~date the applicable local law enforcement authority by policy~~
9 ~~allows the person to report]~~, report in person to the local law
10 enforcement authority in the municipality or county in which the
11 person's new residence is located and provide the authority with
12 proof of identity and proof of residence.

13 (c) If the person moves to another state that has a
14 registration requirement for sex offenders, the person shall, not
15 later than the third business ~~[10th]~~ day after the date on which the
16 person arrives in the other state, register with the law
17 enforcement agency that is identified by the department as the
18 agency designated by that state to receive registration
19 information.

20 (e) If a person who reports to a local law enforcement
21 authority under Subsection (a) does not move on or before the
22 anticipated move date or does not move to the new address provided
23 to the authority, the person shall:

24 (1) not later than the third business ~~[seventh]~~ day
25 after the anticipated move date, and not less than weekly after that
26 third business ~~[seventh]~~ day, report to the local law enforcement
27 authority designated as the person's primary registration

1 authority by the department and provide an explanation to the
2 authority regarding any changes in the anticipated move date and
3 intended residence; and

4 (2) not later than the third business day after the
5 anticipated move date, report to the juvenile probation officer,
6 community supervision and corrections department officer, or
7 parole officer supervising the person and continue to report to
8 that officer not less than weekly during any period in which the
9 person has not moved to an intended residence.

10 (f) If the person moves to another municipality or county in
11 this state, the department shall inform the applicable local law
12 enforcement authority in the new area of the person's residence not
13 later than the third day after the date on which the department
14 receives information under Subsection (a). Not later than the
15 eighth day after the date on which the local law enforcement
16 authority is informed under Subsection (a) or under this
17 subsection, the authority shall verify the age of the victim, the
18 basis on which the person is subject to registration under this
19 chapter, and the person's numeric risk level. The local law
20 enforcement authority shall immediately provide written notice
21 described by Subsection (g) to the superintendent of each
22 applicable ~~[the]~~ public school district and to the administrator of
23 any private primary or secondary school located in each applicable
24 ~~[the]~~ public school district in which the person subject to
25 registration intends to reside, be employed or carry on a vocation,
26 or enroll as a student ~~[by mail to the office of the superintendent~~
27 ~~or administrator, as appropriate, in accordance with Article~~

62.054]. On receipt of a notice under this subsection, a [the]
 superintendent shall release the information contained in the
 notice to appropriate school district personnel, including peace
 officers and security personnel, principals, nurses, and
 counselors. The local law enforcement agency also shall immediately
provide written notice described by Subsection (g) to the
administrative offices of any public housing authority located in
the area in which the person subject to registration intends to
reside, be employed or carry on a vocation, or enroll as a student.

(g) The local law enforcement authority shall include in the
 notice to the superintendent of each applicable [the] public school
 district, [and] the administrator of any private primary or
 secondary school located in the public school district, and each
applicable public housing authority any information the authority
 determines is necessary to protect the public, except information
that is described by Article 62.005(b) or (b-1) [+]

[~~(1) the person's social security number, driver's~~
~~license number, or telephone number, and~~

[~~(2) any information that would identify the victim of~~
~~the offense for which the person is subject to registration].~~

(h) If the person moves to another state, the department
 shall, immediately on receiving information under Subsection (d):

(1) inform the agency that is designated by the other
 state to receive registration information, if that state has a
 registration requirement for sex offenders; and

(2) send to the Federal Bureau of Investigation a copy
 of the person's registration form, including the record of

conviction and a complete set of fingerprints and palm prints.

SECTION 15. Articles 62.057(a), (b), and (d), Code of Criminal Procedure, are amended to read as follows:

(a) If the juvenile probation officer, community supervision and corrections department officer, or parole officer supervising a person subject to registration under this chapter receives information to the effect that the person's status has changed in any manner that affects proper supervision of the person, including a change in the person's name, physical health, job or educational status, including higher educational status, incarceration, or terms of release, the supervising officer shall promptly notify the appropriate local law enforcement authority or authorities of that change. If the person required to register intends to change address, the supervising officer shall notify the local law enforcement authorities designated by Article 62.055(b).

~~[Not later than the seventh day after the date the supervising officer receives the relevant information, the supervising officer shall notify the local law enforcement authority of any change in the person's job or educational status in which the person:~~

~~[(1) becomes employed, begins to carry on a vocation, or becomes a student at a particular public or private institution of higher education; or~~

~~[(2) terminates the person's status in that capacity.]~~

(b) Not later than the third business ~~[seventh]~~ day after the date of the change, a person subject to registration under this chapter shall report to the local law enforcement authority designated as the person's primary registration authority by the

department any change in the person's name, physical health, or job or educational status, including higher educational status.

(d) Not later than the third business ~~[seventh]~~ day after the date the local law enforcement authority receives ~~[the relevant]~~ information under Subsection (a) or (b), the local law enforcement authority shall forward that information to ~~[notify]~~ the department ~~[of any change in the person's job or educational status in which the person:~~

~~[(1) becomes employed, begins to carry on a vocation, or becomes a student at a particular public or private institution of higher education; or~~

~~[(2) terminates the person's status in that capacity].~~

SECTION 16. Article 62.058, Code of Criminal Procedure, is amended by amending Subsections (a) through (c) and adding Subsections (a-1) and (f) to read as follows:

(a) A person subject to registration under this chapter ~~[who has for a sexually violent offense been convicted two or more times, received an order of deferred adjudication two or more times, or been convicted and received an order of deferred adjudication]~~ shall report to ~~[the local law enforcement authority designated as]~~ the person's designated primary registration authority by the department to verify the information in the person's registration form:

(1) not less than once in each 90-day period following the date the person first registered under this chapter, if the person has a tier three reportable conviction or adjudication;

(2) not less than once in each 180-day period following

the date the person first registered under this chapter, if the person has a tier two reportable conviction or adjudication; or

(3) not less than ~~[to verify the information in the registration form maintained by the authority for that person. A person subject to registration under this chapter who is not subject to the 90-day reporting requirement described by this subsection shall report to the local law enforcement authority designated as the person's primary registration authority by the department]~~ once each year not earlier than the 30th day before and not later than the 30th day after each ~~[the]~~ anniversary of the ~~[person's]~~ date the person first registered under this chapter, if the person has a tier one reportable conviction or adjudication ~~[of birth to verify the information in the registration form maintained by the authority for that person]~~.

(a-1) For purposes of Subsection (a) ~~[this subsection]~~, a person complies with a requirement that the person register within a ~~[90-day]~~ period described by Subsection (a)(1) or (a)(2) ~~[following a date]~~ if the person registers at any time on or after the seventh ~~[83rd]~~ day before ~~[following]~~ that date but before the eighth ~~[98th]~~ day after that date.

(b) A local law enforcement authority designated as a person's primary registration authority by the department may direct the person to report to the authority to verify the information in the registration form maintained by the authority for that person. The authority may direct the person to report under this subsection once in each applicable 90-day, 180-day, or annual ~~[90-day]~~ period described by ~~[following the date the person~~

~~first registered under this chapter, if the person is required to report not less than once in each 90-day period under]~~ Subsection (a) ~~[or once in each year not earlier than the 30th day before and not later than the 30th day after the anniversary of the person's date of birth, if the person is required to report once each year under Subsection (a)]~~. A local law enforcement authority may not direct a person to report to the authority under this subsection if the person is required to report under Subsection (a) and is in compliance with the reporting requirements of that subsection.

(c) A local law enforcement authority with whom a person reports under this article shall require the person to produce proof of the person's identity and residence before the authority gives the registration form to the person for verification. If the information in the registration form is complete and accurate, the person shall verify registration by signing the form. If the information is not complete or not accurate, the person shall make any necessary additions or corrections before signing the form. The local law enforcement authority also shall take a photograph of a person reporting to the authority under this article and include that photograph with the person's verified registration form.

(f) Not later than the third business day after the date a person verifies registration with a local law enforcement authority under Subsection (c) or (d), the local law enforcement authority shall forward a copy of the person's verified registration form to the department.

SECTION 17. Article 62.101, Code of Criminal Procedure, is amended to read as follows:

Art. 62.101. EXPIRATION OF DUTY TO REGISTER. (a) Except as provided by this article [~~Subsection (b)~~] and Subchapter I, the duty to register for a person ends:

(1) on the 15th anniversary of the date on which the person is released from a penal institution or discharges community supervision or the court dismisses the criminal proceedings against the person and discharges the person, whichever date is later, if the person has a tier one conviction or adjudication;

(2) on the 25th anniversary of the date on which the person is released from a penal institution or discharges community supervision or the court dismisses the criminal proceedings against the person and discharges the person, whichever date is later, if the person has a tier two conviction or adjudication; or

(3) when the person dies, if the person has a tier three reportable conviction or adjudication~~[, other than an adjudication of delinquent conduct, for:~~

~~[(1) a sexually violent offense,~~

~~[(2) an offense under Section 25.02, 43.05(a)(2), or 43.26, Penal Code,~~

~~[(3) an offense under Section 21.11(a)(2), Penal Code, if before or after the person is convicted or adjudicated for the offense under Section 21.11(a)(2), Penal Code, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration under this chapter,~~

~~[(4) an offense under Section 20.02, 20.03, or 20.04, Penal Code, if:~~

1 ~~[(A) the judgment in the case contains an~~
2 ~~affirmative finding under Article 42.015 or, for a deferred~~
3 ~~adjudication, the papers in the case contain an affirmative finding~~
4 ~~that the victim or intended victim was younger than 17 years of age,~~
5 ~~and~~

6 ~~[(B) before or after the person is convicted or~~
7 ~~adjudicated for the offense under Section 20.02, 20.03, or 20.04,~~
8 ~~Penal Code, the person receives or has received another reportable~~
9 ~~conviction or adjudication, other than an adjudication of~~
10 ~~delinquent conduct, for an offense or conduct that requires~~
11 ~~registration under this chapter; or~~

12 ~~[(5) an offense under Section 43.23, Penal Code, that~~
13 ~~is punishable under Subsection (h) of that section].~~

14 (b) The ~~[Except as provided by Subchapter I, the]~~ duty to
15 register for a person otherwise described by Subsection (a)(1)
16 ~~[subject to Subsection (a)]~~ ends on the 10th anniversary of the date
17 on which the person is released from a penal institution or
18 discharges community supervision or the court dismisses the
19 criminal proceedings against the person and discharges the person,
20 whichever date is later, if the person, during the period that
21 begins on the first date on which the person is required to register
22 under this chapter and ends on the 10th anniversary described by
23 this subsection:

24 (1) is not convicted of, placed on deferred
25 adjudication for, or adjudicated as having engaged in delinquent
26 conduct based on a violation of any offense under a local ordinance
27 or order, the laws of this state, another state, the United States,

1 a foreign country, or a federally recognized Indian tribe, the
2 Uniform Code of Military Justice, or any other criminal law that is
3 punishable by a term of imprisonment that exceeds one year;

4 (2) does not receive a second or subsequent reportable
5 conviction or adjudication;

6 (3) successfully completes any applicable period of
7 community supervision or release to parole or mandatory
8 supervision; and

9 (4) successfully completes a sex offender treatment
10 program certified or approved by the Council on Sex Offender
11 Treatment ~~[person's duty to register is based on a conviction or an~~
12 ~~order of deferred adjudication in a cause that was transferred to a~~
13 ~~district court or criminal district court under Section 54.02,~~
14 ~~Family Code].~~

15 (c) The ~~[Except as provided by Subchapter I, the]~~ duty to
16 register for a person otherwise described by Subsection (a)(3) who
17 is also described by Article 62.0011(c)(1) or by Articles
18 62.0011(c)(1) and (e) ~~[with a reportable conviction or adjudication~~
19 ~~for an offense other than an offense described by Subsection (a)]~~
20 ends on the 25th anniversary of the date on which the person is
21 released from a penal institution or discharges community
22 supervision or the court dismisses the criminal proceedings against
23 the person and discharges the person, whichever date is later, if
24 the person, during the period that begins on the first date on which
25 the person is required to register under this chapter and ends on
26 the 25th anniversary described by this subsection:

27 (1) is not convicted of, placed on deferred

adjudication for, or adjudicated as having engaged in delinquent conduct based on a violation of any offense under a local ordinance or order, the laws of this state, another state, the United States, a foreign country, or a federally recognized Indian tribe, the Uniform Code of Military Justice, or any other criminal law that is punishable by a term of imprisonment that exceeds one year ~~[if the person's duty to register is based on an adjudication of delinquent conduct, on the 10th anniversary of the date on which the disposition is made or the person completes the terms of the disposition, whichever date is later]; [or]~~

(2) does not receive a second or subsequent reportable conviction or adjudication;

(3) successfully completes any applicable period of community supervision or release to parole or mandatory supervision; and

(4) successfully completes a sex offender treatment program certified or approved by the Council on Sex Offender Treatment ~~[if the person's duty to register is based on a conviction or on an order of deferred adjudication, on the 10th anniversary of the date on which the court dismisses the criminal proceedings against the person and discharges the person, the person is released from a penal institution, or the person discharges community supervision, whichever date is later].~~

(d) A person's duties to register and verify registration under this chapter are suspended for the duration of any period that the person is:

(1) confined in a penal institution; or

1 (2) civilly committed as a sexually violent predator
2 under Chapter 841, Health and Safety Code.

3 SECTION 18. Article 62.102, Code of Criminal Procedure, is
4 amended by amending Subsection (b) and adding Subsection (d) to
5 read as follows:

6 (b) An offense under this article is:

7 (1) a state jail felony if the actor is a person whose
8 duty to register expires under Article 62.101(a)(1) [~~62.101(b) or~~
9 ~~(c)~~];

10 (2) a felony of the third degree if the actor is a
11 person whose duty to register expires under Article 62.101(a)(2)
12 [~~62.101(a) and who is required to verify registration once each~~
13 ~~year under Article 62.058~~]; and

14 (3) a felony of the second degree if the actor is a
15 person whose duty to register expires under Article 62.101(a)(3)
16 [~~62.101(a) and who is required to verify registration once each~~
17 ~~90-day period under Article 62.058~~].

18 (d) The attorney representing the state in the prosecution
19 of an offense under Subsection (a) timely shall notify the attorney
20 general of the United States of any conviction of an offense under
21 Subsection (a).

22 SECTION 19. Article 62.151, Code of Criminal Procedure, is
23 amended to read as follows:

24 Art. 62.151. DEFINITIONS. For purposes of this subchapter,
25 a person:

26 (1) is employed or carries on a vocation if the person
27 works or volunteers on a full-time or part-time basis for any [~~a~~

1 ~~consecutive~~] period during ~~[exceeding 14 days or for an aggregate~~
2 ~~period exceeding 30 days in]~~ a calendar year;

3 (2) works regardless of whether the person works for
4 compensation or for governmental or educational benefit; and

5 (3) is a student if the person enrolls on a full-time
6 or part-time basis in any educational facility, including:

7 (A) a public or private primary or secondary
8 school, including a high school or alternative learning center; or

9 (B) a public or private institution of higher
10 education.

11 SECTION 20. Articles 62.153(a) and (c), Code of Criminal
12 Procedure, are amended to read as follows:

13 (a) Not later than ~~[the later of]~~ the third business
14 ~~[seventh]~~ day after the date on which the person begins to work or
15 attend school ~~[or the first date the applicable authority by policy~~
16 ~~allows the person to register]~~, a person required to register under
17 Article 62.152 or any other provision of this chapter who is
18 employed, carries on a vocation, or is a student at a public or
19 private institution of higher education in this state shall report
20 that fact to:

21 (1) the authority for campus security for that
22 institution; or

23 (2) if an authority for campus security for that
24 institution does not exist, the local law enforcement authority of:

25 (A) the municipality in which the institution is
26 located; or

27 (B) the county in which the institution is

1 located, if the institution is not located in a municipality.

2 (c) A person described by Subsection (a) shall notify the
3 authority for campus security or the local law enforcement
4 authority not later than the third business [~~seventh~~] day after the
5 date of termination of the person's status as a worker or student at
6 the institution.

7 SECTION 21. Article 62.301, Code of Criminal Procedure, is
8 amended by adding Subsection (f) to read as follows:

9 (f) Notwithstanding any other provision of this article, a
10 person is not eligible to petition the court under this article if
11 the person is required to register for a tier three reportable
12 conviction or adjudication.

13 SECTION 22. Subchapter H, Chapter 62, Code of Criminal
14 Procedure, is amended by adding Article 62.358 to read as follows:

15 Art. 62.358. INAPPLICABILITY OF SUBCHAPTER TO CERTAIN
16 ADJUDICATIONS. Notwithstanding any other provision of this
17 subchapter, this subchapter does not apply to a person who is or
18 will be required to register for a tier three reportable conviction
19 or adjudication.

20 SECTION 23. Article 62.402(a), Code of Criminal Procedure,
21 is amended to read as follows:

22 (a) The council by rule shall determine the minimum required
23 registration period under the Sex Offender Registration and
24 Notification Act (42 U.S.C. Section 16901 et seq.) [~~42 U.S.C.~~
25 ~~Section 14071 (Jacob Wetterling Crimes Against Children and~~
26 ~~Sexually Violent Offender Registration Program)] for each
27 reportable conviction or adjudication under this chapter, if this~~

1 state is to receive the maximum amount of federal money available to
2 a state as described by that law.

3 SECTION 24. Subchapter A, Chapter 38, Education Code, is
4 amended by adding Section 38.017 to read as follows:

5 Sec. 38.017. NOTICE OF SEX OFFENDER ENROLLMENT. For
6 purposes of verifying the school enrollment of sex offenders, each
7 superintendent of a school district or the superintendent's
8 designee shall subscribe to the electronic mail notification
9 service maintained by the Department of Public Safety under Article
10 62.0052, Code of Criminal Procedure.

11 SECTION 25. Section 411.0091(b), Government Code, is
12 amended to read as follows:

13 (b) The sex offender compliance unit shall investigate and
14 arrest individuals determined to have committed a sexually violent
15 offense, as defined by Section 841.002, Health and Safety Code
16 [~~Article 62.001, Code of Criminal Procedure~~].

17 SECTION 26. The following laws are repealed:

18 (1) Articles 62.001(6) and 62.054, Code of Criminal
19 Procedure;

20 (2) Section 11, Chapter 668, Acts of the 75th
21 Legislature, Regular Session, 1997;

22 (3) Section 26, Chapter 1415, Acts of the 76th
23 Legislature, Regular Session, 1999; and

24 (4) Section 2, Chapter 1273, Acts of the 79th
25 Legislature, Regular Session, 2005.

26 SECTION 27. (a) The Department of Public Safety shall have
27 the electronic mail notification service required to be maintained

1 under Article 62.0052, Code of Criminal Procedure, as added by this
2 Act, fully functional and able to receive subscription requests and
3 respond appropriately to those requests not later than January 1,
4 2008.

5 (b) Each superintendent of a school district in this state
6 or the superintendent's designee shall comply with Section 38.017,
7 Education Code, as added by this Act, as soon as possible after the
8 electronic mail notification service required to be maintained
9 under Article 62.0052, Code of Criminal Procedure, as added by this
10 Act, is fully functional and able to receive subscription requests
11 and in no event later than the first day of the 2008-2009 school
12 year.

13 (c) The changes in law made by this Act in amending Chapter
14 62, Code of Criminal Procedure, apply to a person subject to Chapter
15 62, Code of Criminal Procedure, for an offense or conduct committed
16 or engaged in before, on, or after the effective date of this Act.

17 SECTION 28. This Act takes effect September 1, 2007.