

1-1 By: Shapiro S.B. No. 1740
1-2 (In the Senate - Filed March 9, 2007; March 21, 2007, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 17, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; April 17, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1740 By: Hegar

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the prosecution of certain sexual offenses and to the
1-11 registration and supervision of sex offenders.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Article 42.015, Code of Criminal Procedure, is
1-14 amended to read as follows:

1-15 Art. 42.015. FINDING OF AGE OF VICTIM AND RELATIONSHIP OF
1-16 ACTOR AND VICTIM. In the trial of an offense under Section 20.02,
1-17 20.03, or 20.04, Penal Code, or an attempt, conspiracy, or
1-18 solicitation to commit one of those offenses, the judge shall make
1-19 an affirmative finding of fact and enter the affirmative finding in
1-20 the judgment in the case if the judge determines that:

1-21 (1) the victim or intended victim was younger than 18
1-22 [17] years of age at the time of the offense; and

1-23 (2) the actor was not the parent or guardian of the
1-24 victim or intended victim.

1-25 SECTION 2. Article 42.017, Code of Criminal Procedure, is
1-26 amended to read as follows:

1-27 Art. 42.017. FINDING REGARDING AGE-BASED OFFENSE. In the
1-28 trial of an offense under Section 15.031, 21.11, ~~[22.011, 22.021]~~,
1-29 or 43.25, Penal Code, the judge shall make an affirmative finding of
1-30 fact and enter the affirmative finding in the judgment in the case
1-31 if the judge determines that:

1-32 (1) at the time of the offense, the ~~[defendant was~~
1-33 ~~younger than 19 years of age and the]~~ victim or intended victim was
1-34 a child of at least 13 years of age and the defendant was not more
1-35 than three years older than the victim or intended victim; and

1-36 (2) the conviction is based solely on the ages of the
1-37 defendant and the victim or intended victim at the time of the
1-38 offense.

1-39 SECTION 3. Subsection (g), Section 5, Article 42.12, Code
1-40 of Criminal Procedure, is amended to read as follows:

1-41 (g) If a judge places on community supervision under this
1-42 section a defendant charged with an offense under Section 15.031,
1-43 21.11, 22.011, 22.021, or 43.25, Penal Code, the judge shall make an
1-44 affirmative finding of fact and file a statement of that
1-45 affirmative finding with the papers in the case if the judge
1-46 determines that:

1-47 (1) at the time of the offense, the ~~[defendant was~~
1-48 ~~younger than 19 years of age and the]~~ victim or intended victim was
1-49 a child of at least 13 years of age and the defendant was not more
1-50 than three years older than the victim or intended victim; and

1-51 (2) the charge to which the plea is entered under this
1-52 section is based solely on the ages of the defendant and the victim
1-53 or intended victim at the time of the offense.

1-54 SECTION 4. Subdivision (5), Article 62.001, Code of
1-55 Criminal Procedure, as renumbered from former Subdivision (5),
1-56 Article 62.01, Code of Criminal Procedure, and amended by Chapter
1-57 1008, Acts of the 79th Legislature, Regular Session, 2005, is
1-58 reenacted and amended to conform to an amendment to former
1-59 Subdivision (5), Article 62.01 by Chapter 1273, Acts of the 79th
1-60 Legislature, Regular Session, 2005, and further amended to read as
1-61 follows:

1-62 (5) "Reportable conviction or adjudication" means a
1-63 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 in the case contain an affirmative finding that the victim or intended victim was younger than 18 [17] years of age and that the actor was not the parent or guardian of the victim or intended victim;

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

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

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

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

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

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

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

(K) a violation of Section 39.04(a)(2) (Improper sexual activity with person in custody), Penal Code;

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

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

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

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

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

(ii) described by Paragraph (C), (D), or

(G) of this subdivision;

(P) the second violation of Section 21.08 (Indecent exposure), Penal Code~~[, but not if the second violation results in a deferred adjudication]~~;

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

(R) a solicitation, as defined by Chapter 15, Penal Code, and other than a solicitation described by Paragraph (F), to commit an offense or engage in conduct listed in Paragraph (A), (B), (C), (D), or (E);

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

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

SECTION 5. Subdivision (10), Article 62.001, Code of Criminal Procedure, is amended to read as follows:

(10) "Extrajurisdictional registrant" means a person who:

(A) is required to register as a sex offender under:

(i) the laws of another state ~~[with which the department has entered into a reciprocal registration agreement]~~;

(ii) federal law or the Uniform Code of Military Justice; or

(iii) the laws of a foreign country; and

(B) is not otherwise required to register under this chapter because:

(i) the person does not have a reportable conviction for an offense under the laws of the other state, federal law, the laws of the foreign country, or the Uniform Code of Military Justice containing elements that are substantially similar to the elements of an offense requiring registration under this chapter; or

(ii) the person does not have a reportable adjudication of delinquent conduct based on a violation of an offense under the laws of the other state, federal law, or the laws of the foreign country containing elements that are substantially similar to the elements of an offense requiring registration under this chapter.

SECTION 6. Subchapter A, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.0011 to read as follows:

Art. 62.0011. CLASSIFICATION OF REPORTABLE CONVICTIONS OR ADJUDICATIONS. (a) For purposes of this chapter, a reportable conviction or adjudication is a tier one reportable conviction or adjudication if the conviction or adjudication is:

(1) a conviction or deferred adjudication that is not described by Subsection (b) or (c); or

(2) an adjudication of delinquent conduct.

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

(1) Section 15.031(b) (Criminal solicitation of a

minor), Penal Code, if the actor requests, commands, or attempts to induce a minor or a person the actor believes to be a minor to engage in specific conduct that would constitute an offense under Section 43.25 (Sexual performance by a child), Penal Code;

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

(3) Section 21.11 (Indecency with a child), Penal Code, other than a violation of that section described by Subsection (c)(4) of this article;

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

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

(6) Section 43.23 (Obscenity), Penal Code, that is punishable under Subsection (h) of that section.

(c) For purposes of this chapter, a reportable conviction or adjudication is a tier three reportable conviction or adjudication if the conviction or adjudication is based on a violation of:

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

(2) 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 or intended victim;

(3) 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;

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

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

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

(7) Section 43.05(a)(2) (Compelling prostitution), Penal Code;

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

(9) Section 43.26 (Possession or promotion of child pornography), Penal Code; or

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

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

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

(f) Notwithstanding Subsections (a)-(e), a tier one or tier two reportable conviction or adjudication that a person receives subsequent to another reportable conviction or adjudication is classified as the next highest tier of reportable convictions or adjudications, except that a reportable conviction or adjudication that is an adjudication of delinquent conduct is a tier one reportable conviction or adjudication, regardless of whether the person has previously received another reportable conviction or adjudication that is an adjudication of delinquent conduct.

SECTION 7. Article 62.002, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (a-1) to

read as follows:

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

(1) is confined in a penal institution;

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

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

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

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

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

SECTION 8. Subsections (a) and (b), Article 62.003, Code of Criminal Procedure, are amended to read as follows:

(a) For the purposes of this chapter, the department is responsible for determining whether an offense under a local ordinance or order, the laws of another state, the United States ~~[federal law], [the laws of]~~ a foreign country, or a federally recognized Indian tribe, the Uniform Code of Military Justice, or any other criminal law contains elements that are substantially similar to the elements of an offense under the laws of this state.

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

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

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

SECTION 9. Article 62.005, Code of Criminal Procedure, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (b-1) to read as follows:

(a) The department shall maintain a computerized central database containing the information required for registration under this chapter. The department may include in the computerized central database the numeric risk level assigned to a person under this chapter. The central database must contain with respect to each person required to register under this chapter the following information or a link that enables a user to access the following information:

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

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

(3) the person's criminal history, including the date of all arrests and convictions and the existence of any outstanding

warrants for the person's arrest; and

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

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

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

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

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

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

(4) concerning an arrest of the person that did not result in a conviction, adjudication of delinquent conduct, or grant of deferred adjudication.

(b-1) The department by rule:

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

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

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

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

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

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

SECTION 10. Subchapter A, Chapter 62, Code of Criminal Procedure, is amended by adding Articles 62.0051, 62.0052, 62.0061, and 62.0062 to read as follows:

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

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

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

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

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

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

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

(A) the release from a penal institution or placement on deferred adjudication community supervision, community supervision, or juvenile probation of a person who expects to enroll or enrolls in that school or school district and

is required to register under this chapter; and

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

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

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

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

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

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

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

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

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

Art. 62.0062. REGISTRATION INFORMATION DISSEMINATION. (a) Not later than the third business day after the date the department receives a registration form under Article 62.051(e), information under Article 62.055(d) or 62.057(d), or a verified registration form under Article 62.058(f), the department immediately shall provide access to the information from the form or other source, as applicable, to:

(1) the attorney general of the United States;

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

(3) any agency responsible for conducting employment-related background checks under Section 3 of the National Child Protection Act of 1993 (42 U.S.C. Section 5119a);

(4) the Health and Human Services Commission; and

(5) subject to Subsection (c), any individual, entity, or organization that requests notification under this article.

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

(c) The department may not disclose information under Subsection (a) to an individual, entity, or organization that is not authorized by this chapter or other law to receive that information.

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

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

SECTION 12. Subsections (a), (c), (h), and (i), Article 62.051, Code of Criminal Procedure, are amended to read as follows:

(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 or, if the person does not reside or intend to reside at an address, each specific geographic location 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;

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

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

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

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

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

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

vehicle; and

(9) any other information required by the department.

(h) If a person subject to registration under this chapter does not move to an intended residence by the end of the third business ~~[seventh]~~ day after the date on which the person is released or the date on which the person leaves a previous residence, the person shall:

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

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

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

SECTION 13. 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:

(1) initially 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; and

(2) maintain registration in that jurisdiction for any period required by that jurisdiction.

SECTION 14. Subsections (a), (e), (f), and (g), Article 62.053, 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 later than the later of the first date the applicable local law enforcement authority by policy allows the person to register or verify registration]~~, the person must register or verify registration with the local law enforcement authority in the municipality or county in which the person intends to reside;

(B) not later than the third business ~~[seventh]~~ day after the date on which the person is released or the date on

which the person moves from a previous residence to a new residence in this state, the person must, if the person has not moved to an intended residence, report to the juvenile probation officer, community supervision and corrections department officer, or parole officer supervising the person;

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

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

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

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

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

(3) obtain the address or addresses or, if applicable, each specific geographic location where the person expects to reside on the person's release and other registration information, including a current photograph and complete set of fingerprints and palm prints; and

(4) complete the registration form for the person.

(e) Not later than the eighth day after receiving a registration form under Subsection (b), (c), or (d), the local law enforcement authority shall verify the age of the victim or intended victim, the basis on which the person is subject to registration under this chapter, and the person's numeric risk level. The local law enforcement authority shall immediately provide written notice described by Subsection (f) to the superintendent of each [the] public school district and to the administrator of any private primary or secondary school located in each [the] public school district in which the person subject to registration intends to reside, be employed or carry on a vocation, or enroll as a student [by mail to the office of the superintendent 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 (f) 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.

(f) The local law enforcement authority shall include in the notice to the superintendent of each applicable [the] public school district, [and to] 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].~~

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

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

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

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

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

(3) regardless of the state in which the person intends to reside, if the person intends to be employed, carry on a vocation, or be a student at a public or private institution of higher education in this state, the person must:

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

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

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

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

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

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

SECTION 15. Subsections (a), (c), and (e) through (h), Article 62.055, Code of Criminal Procedure, are amended to read as follows:

(a) If a person required to register under this chapter intends to change address, regardless of whether the person intends to move to another state, the person shall, not later than the seventh day before the intended change, report in person to the local law enforcement authority designated as the person's primary registration authority by the department and to the juvenile probation officer, community supervision and corrections department officer, or parole officer supervising the person and provide the authority and the officer with the person's anticipated move date and new address. If a person required to register changes address, the person shall, not later than ~~[the later of]~~ the third business ~~[seventh]~~ day after changing the address ~~[or the first date the applicable local law enforcement authority by policy~~

~~allows the person to report]~~, report in person to the local law enforcement authority in the municipality or county in which the person's new residence is located and provide the authority with proof of identity and proof of residence.

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

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

(1) not later than the third business ~~[seventh]~~ day after the anticipated move date, and not less than weekly after that third business ~~[seventh]~~ day, report to the local law enforcement authority designated as the person's primary registration authority by the department and provide an explanation to the authority regarding any changes in the anticipated move date and intended residence; and

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

(f) If the person moves to another municipality or county in this state, the department shall inform the applicable local law enforcement authority in the new area of the person's residence not later than the third day after the date on which the department receives information under Subsection (a). Not later than the eighth day after the date on which the local law enforcement authority is informed under Subsection (a) or under this subsection, the authority shall verify the age of the victim or intended victim, the basis on which the person is subject to registration under this chapter, and the person's numeric risk level. The local law enforcement authority shall immediately provide written notice described by Subsection (g) to the superintendent of each applicable [the] public school district and to the administrator of any private primary or secondary school located in each applicable [the] public school district in which the person subject to registration intends to reside, be employed or carry on a vocation, or enroll as a student [by mail to the office of the superintendent 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 16. Subsections (a), (b), and (d), Article 62.057, 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 17. Article 62.058, Code of Criminal Procedure, is amended by amending Subsections (a), (b), and (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 (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 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 18. 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 reportable 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 reportable 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:~~

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

~~[(B) before or after the person is convicted or adjudicated for the offense under Section 20.02, 20.03, or 20.04, 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, or~~

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

(b) ~~The [Except as provided by Subchapter I, the]~~ duty to register for a person otherwise described by Subsection (a)(1) ~~[subject to Subsection (a)]~~ ends on the 10th 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, during the period that begins on the first date on which the person is required to register under this chapter and ends on the 10th anniversary described by this subsection:

(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;

(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 [person's duty to register is based on a conviction or an order of deferred adjudication in a cause that was transferred to a district court or criminal district court under Section 54.02, Family Code].

(c) 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

(2) civilly committed and confined in a secure facility as a sexually violent predator under Chapter 841, Health and Safety Code [Except as provided by Subchapter I, the duty to register for a person with a reportable conviction or adjudication for an offense other than an offense described by Subsection (a) ends:]

~~[(1) 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) 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].~~

SECTION 19. Subsection (b), Article 62.102, Code of Criminal Procedure, is amended to read as follows:

(b) An offense under this article is:

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

(c)];

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

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

SECTION 20. Article 62.151, Code of Criminal Procedure, is amended to read as follows:

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

(1) is employed or carries on a vocation if the person works or volunteers on a full-time or part-time basis for any [~~a consecutive~~] period during [~~exceeding 14 days or for an aggregate period exceeding 30 days in~~] a calendar year;

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

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

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

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

SECTION 21. Subsections (a) and (c), Article 62.153, Code of Criminal Procedure, are amended to read as follows:

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

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

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

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

(B) the county in which the institution is located, if the institution is not located in a municipality.

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

SECTION 22. Article 62.301, Code of Criminal Procedure, is amended by adding Subsection (f) to read as follows:

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

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

(a) The council by rule shall determine the minimum required registration period under the Sex Offender Registration and Notification Act (42 U.S.C. Section 16901 et seq.) [~~42 U.S.C. Section 14071 (Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program)~~] for each reportable conviction or adjudication under this chapter, if this state is to receive the maximum amount of federal money available to a state as described by that law.

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

Sec. 38.017. NOTICE OF SEX OFFENDER ENROLLMENT. For purposes of verifying the school enrollment of sex offenders, each superintendent of a school district or the superintendent's

designee shall subscribe to the electronic mail notification service maintained by the Department of Public Safety under Article 62.0052, Code of Criminal Procedure.

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

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

SECTION 26. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.148 to read as follows:

Sec. 552.148. EXCEPTION: INFORMATION CONCERNING REQUESTORS OF CERTAIN INFORMATION RELATING TO SEX OFFENDERS. The following information concerning a person who requests information under Article 62.0062(a), Code of Criminal Procedure, is confidential and not subject to disclosure under this chapter:

(1) the name and electronic or physical address of the requestor; and

(2) any other information the disclosure of which would identify or tend to identify the requestor.

SECTION 27. The following laws are repealed:

(1) Subdivision (6), Article 62.001, Subsection (c), Article 62.052, and Article 62.054, Code of Criminal Procedure;

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

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

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

SECTION 28. (a) The Department of Public Safety of the State of Texas shall have the electronic mail notification service required to be maintained under Article 62.0052, Code of Criminal Procedure, as added by this Act, fully functional and able to receive subscription requests and respond appropriately to those requests not later than January 1, 2008.

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

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

SECTION 29. This Act takes effect September 1, 2007.

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