

By: Flynn

H.B. No. 79

A BILL TO BE ENTITLED

AN ACT

relating to the payment of certain fees by sex offenders and the use of those fees for certain law enforcement purposes.

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

SECTION 1. Subchapter B, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.063 to read as follows:

Art. 62.063. LOCAL LAW ENFORCEMENT AUTHORITY FEE. (a) A local law enforcement authority may charge and collect from a person required to register under this chapter the following fees:

(1) a fee in an amount not to exceed \$50, to be charged and collected the first time the person registers or verifies registration with the authority under Article 62.051 or 62.052 and annually in each year that the person, during any month of the year, verifies registration with the authority under Article 62.052, 62.058, or 62.202; and

(2) following a change of address:

(A) a fee in an amount not to exceed \$50, to be charged and collected the first time the person reports to the authority under Article 62.055, if at the time of the change of address the authority has not yet been designated as the person's primary registration authority; or

(B) a fee in an amount not to exceed \$5, to be charged and collected the first time the person reports to the authority under Article 62.055, if at the time of the change of

1 address the authority is designated as the person's primary
2 registration authority.

3 (b) Not less than 90 percent of a fee collected under
4 Subsection (a) shall be remitted to the comptroller of public
5 accounts in the manner directed by the comptroller. Fees remitted
6 under this subsection may be used only to defray the costs incurred
7 by the department in performing the department's duties under this
8 chapter.

9 (c) The portion of a fee that remains after remittance under
10 Subsection (b) may be retained by the local law enforcement
11 authority collecting the fee and used only to defray the costs
12 incurred by the authority in performing the authority's duties
13 under this chapter.

14 (d) A local law enforcement authority shall keep records of
15 any fees collected under this article.

16 SECTION 2. Article 62.052(a), Code of Criminal Procedure,
17 is amended to read as follows:

18 (a) An extrajurisdictional registrant is required to:

19 (1) comply with the annual verification requirements
20 of Article 62.058 in the same manner as a person who is required to
21 verify registration on the basis of a reportable conviction or
22 adjudication; and

23 (2) pay fees under Article 62.063 in the same manner
24 and in the same amount as a person who is required to pay those fees
25 on the basis of a reportable conviction or adjudication.

26 SECTION 3. Article 62.053(a), Code of Criminal Procedure,
27 is amended to read as follows:

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

9 (1) inform the person that:

10 (A) not later than the later of the seventh day
11 after the date on which the person is released or after the date on
12 which the person moves from a previous residence to a new residence
13 in this state or not later than the later of the first date the
14 applicable local law enforcement authority by policy allows the
15 person to register or verify registration, the person
16 must register or verify registration with the local law
17 enforcement authority in the municipality or county in which the
18 person intends to reside;

19 (B) not later than the seventh day after the date
20 on which the person is released or the date on which the person
21 moves from a previous residence to a new residence in this state,
22 the person must, if the person has not moved to an intended
23 residence, report to the juvenile probation officer, community
24 supervision and corrections department officer, or parole officer
25 supervising the person;

26 (C) not later than the seventh day before the
27 date on which the person moves to a new residence in this state or

1 another state, the person must report in person to the local law
2 enforcement authority designated as the person's primary
3 registration authority by the department and to the juvenile
4 probation officer, community supervision and corrections
5 department officer, or parole officer supervising the person;

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

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

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

23 (G) the person may be required to pay the
24 applicable fees described by Article 62.063;

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

1 the statement, certify that the person was so informed;

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

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

6 SECTION 4. Article 62.055, Code of Criminal Procedure, is
7 amended by adding Subsection (i) to read as follows:

8 (i) A person who reports to the person's primary
9 registration authority or another local law enforcement authority
10 as required by Subsection (a) shall pay to the authority each
11 applicable fee that the authority requires the person to pay under
12 Article 62.063, in the amount and at the time that is designated by
13 the authority.

14 SECTION 5. Article 62.058, Code of Criminal Procedure, is
15 amended by adding Subsection (f) to read as follows:

16 (f) A person who reports to the person's primary
17 registration authority as required by Subsection (a) shall pay to
18 the authority each applicable fee that the authority requires the
19 person to pay under Article 62.063, in the amount and at the time
20 that is designated by the authority.

21 SECTION 6. Article 62.202, Code of Criminal Procedure, is
22 amended by adding Subsection (c) to read as follows:

23 (c) A person who reports to the person's primary
24 registration authority as required by Subsection (a) shall pay to
25 the authority each applicable fee that the authority requires the
26 person to pay under Article 62.063, in the amount and at the time
27 that is designated by the authority.

1 SECTION 7. The changes in law made by this Act in amending
2 Chapter 62, Code of Criminal Procedure, apply to a person subject to
3 Chapter 62, Code of Criminal Procedure, for an offense committed or
4 conduct engaged in before, on, or after the effective date of this
5 Act.

6 SECTION 8. This Act takes effect September 1, 2009.