

By: Alonzo

H.B. No. 190

A BILL TO BE ENTITLED

AN ACT

relating to the period of registration for certain persons who are or will be required to register as a sex offender.

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

SECTION 1. The heading to Subchapter I, Chapter 62, Code of Criminal Procedure, is amended to read as follows:

SUBCHAPTER I. SHORTENED PERIOD OF REGISTRATION FOR [~~EARLY TERMINATION OF~~] CERTAIN PERSONS [~~PERSONS' OBLIGATION TO REGISTER~~]

SECTION 2. Article 62.401, Code of Criminal Procedure, is amended to read as follows:

Art. 62.401. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Council" [~~"council"~~] means the Council on Sex Offender Treatment.

(2) "Eligible person" means a person who:

(A) has a single reportable conviction or adjudication that appears on the most recent list published under Article 62.402(b); or

(B) does not have a reportable conviction or adjudication and is charged with an offense or alleged to have engaged in conduct the conviction or adjudication of which will result in the person having a single reportable conviction or adjudication described by Paragraph (A).

SECTION 3. Articles 62.403(a) and (b), Code of Criminal Procedure, are amended to read as follows:

1 (a) The council by rule shall establish, develop, or adopt
2 an individual risk assessment tool or a group of individual risk
3 assessment tools that:

4 (1) evaluates the criminal history of an eligible [a]
5 person who is or will be required to register under this chapter;
6 and

7 (2) seeks to predict:

8 (A) the likelihood that the person will engage in
9 criminal activity that may result in the person receiving a second
10 or subsequent reportable adjudication or conviction; and

11 (B) the continuing danger, if any, that the
12 person poses to the community.

13 (b) On the written request of an eligible [a] person [~~with a~~
14 ~~single reportable adjudication or conviction that appears on the~~
15 ~~list published under Article 62.402(b)~~], the council shall:

16 (1) evaluate the person using the individual risk
17 assessment tool or group of individual risk assessment tools
18 established, developed, or adopted under Subsection (a); and

19 (2) provide to the person a written report detailing
20 the outcome of an evaluation conducted under Subdivision (1).

21 SECTION 4. Articles 62.404, 62.405, 62.406, and 62.407,
22 Code of Criminal Procedure, are amended to read as follows:

23 Art. 62.404. MOTION TO SHORTEN REGISTRATION PERIOD [~~FOR~~
24 ~~EARLY TERMINATION~~]. (a) An eligible [A] person [~~required to~~
25 ~~register under this chapter~~] who has requested and received an
26 individual risk assessment under Article 62.403 may file a motion
27 to shorten the period for which the person is or will be required to

1 register under this chapter with, as applicable, the trial court in
2 which the person's case is pending or the trial court that sentenced
3 the person for the reportable conviction or adjudication [~~a motion~~
4 ~~for early termination of the person's obligation to register under~~
5 ~~this chapter~~].

6 (b) A motion filed under this article must be accompanied
7 by:

8 (1) a written explanation of:

9 (A) how the person's alleged offense or conduct
10 will result in a reportable conviction or adjudication that appears
11 on the list published under Article 62.402(b); or

12 (B) how the eligible person's reportable
13 conviction or adjudication [~~giving rise to the movant's~~
14 ~~registration under this chapter~~] qualifies as a reportable
15 conviction or adjudication that appears on the list published under
16 Article 62.402(b); and

17 (2) a certified copy of a written report detailing the
18 outcome of an individual risk assessment evaluation conducted under
19 Article 62.403(b)(1).

20 Art. 62.405. HEARING ON PETITION. (a) After reviewing a
21 motion filed with the court under Article 62.404, the court may:

22 (1) deny without a hearing the movant's request to
23 shorten the period for which the movant is or will be required to
24 register under this chapter [~~for early termination~~]; or

25 (2) hold a hearing on the motion to determine whether
26 to grant or deny the motion.

27 (b) The court may not grant a motion filed under Article

1 62.404 if:

2 (1) the motion is not accompanied by the documents
3 required under Article 62.404(b); or

4 (2) the court determines that the reportable
5 conviction or adjudication for which the movant is or will be
6 required to register under this chapter is not a reportable
7 conviction or adjudication for which the movant is or will be
8 required to register for a period that exceeds the minimum required
9 registration period under federal law.

10 Art. 62.406. COSTS OF INDIVIDUAL RISK ASSESSMENT AND OF
11 COURT. An eligible [A] person [~~required to register under this~~
12 ~~chapter~~] who files a motion [~~for early termination of the person's~~
13 ~~registration obligation~~] under Article 62.404 [~~this chapter~~] is
14 responsible for and shall remit to the council and to the court, as
15 applicable, all costs associated with and incurred by the council
16 in providing the individual risk assessment or by the court in
17 holding a hearing under this subchapter.

18 Art. 62.407. EFFECT OF ORDER SHORTENING PERIOD OF
19 REGISTRATION [~~GRANTING EARLY TERMINATION~~]. (a) If, after notice
20 to the eligible person and to the prosecuting attorney and a
21 hearing, the court grants a motion filed under Article 62.404 [~~for~~
22 ~~the early termination of a person's obligation to register under~~
23 ~~this chapter~~], notwithstanding Article 62.101, the person's
24 obligation to register under this chapter ends on the later of:

25 (1) the date the court specifies in the court's order
26 [~~enters the order of early termination~~]; or

27 (2) the date the person has paid each cost described by

1 Section 62.406.

2 (b) If the court grants a motion filed under Article 62.404
3 ~~[for the early termination of a person's obligation to register~~
4 ~~under this chapter], any ~~[all]~~ conditions of the eligible person's~~

5 parole, release to mandatory supervision, or community supervision
6 shall be modified in accordance with the court's order.

7 SECTION 5. The change in law made by this Act applies only
8 to an offense that is committed or conduct that occurs on or after
9 the effective date of this Act. An offense that is committed or
10 conduct that occurs before the effective date of this Act is covered
11 by the law in effect when the offense was committed or the conduct
12 occurred, and the former law is continued in effect for that
13 purpose. For purposes of this section, an offense was committed or
14 conduct occurred before the effective date of this Act if any
15 element of the offense or conduct occurred before that date.

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