

By: Patrick

H.B. No. 1542

A BILL TO BE ENTITLED

AN ACT

relating to notice concerning the residency of sex offenders in certain health care facilities.

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

SECTION 1. Article 62.053(a), Code of Criminal Procedure, is 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 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 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 seventh day after the date

1 on which the person is released or the date on which the person  
2 moves from a previous residence to a new residence in this state,  
3 the person must, if the person has not moved to an intended  
4 residence, report to the juvenile probation officer, community  
5 supervision and corrections department officer, or parole officer  
6 supervising the person;

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

14 (D) not later than the 10th day after the date on  
15 which the person arrives in another state in which the person  
16 intends to reside, the person must 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, if the other state has a registration requirement for  
20 sex offenders;

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

1 person; ~~and~~

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

4 (G) if the person resides or intends to reside in  
5 a facility licensed under Chapter 242, 247, or 252, Health and  
6 Safety Code, the person must notify the facility of the person's  
7 registration status under this chapter;

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

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

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

16 SECTION 2. Subchapter B, Chapter 62, Code of Criminal  
17 Procedure, is amended by adding Article 62.063 to read as follows:

18 Art. 62.063. ASSISTED LIVING FACILITIES AND CERTAIN OTHER  
19 HEALTH CARE FACILITIES; NOTICE. (a) A person required to register  
20 under this chapter who resides or intends to reside in a facility  
21 licensed under Chapter 242, 247, or 252, Health and Safety Code,  
22 shall notify the facility in writing of the person's registration  
23 status under this chapter.

24 (b) A facility that receives notice under Subsection (a)  
25 shall promptly notify in writing each other resident of the  
26 facility and each legal guardian or legal representative of another  
27 resident of the registration status of the person providing notice

1 under Subsection (a). The facility may not release any information  
2 that is not public information under this chapter.

3       SECTION 3. The change in law made by this Act applies to a  
4 person required to register as a sex offender under Chapter 62, Code  
5 of Criminal Procedure, under the laws of another state, under  
6 federal law, or under the Uniform Code of Military Justice,  
7 regardless of whether the person is initially required to register,  
8 before, on, or after the effective date of this Act.

9       SECTION 4. This Act takes effect September 1, 2009.