

By: Turner of Tarrant

H.B. No. 2396

A BILL TO BE ENTITLED

AN ACT

relating to certain registration requirements imposed on sex offenders.

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

SECTION 1. Article 13.31, Code of Criminal Procedure, is amended to read as follows:

Art. 13.31. FAILURE TO COMPLY WITH SEX OFFENDER REGISTRATION STATUTE. An offense under Chapter 62 may be prosecuted in:

(1) any county in which an element of the offense occurs;

(2) the county in which the person subject to Chapter 62 last registered, verified registration, or otherwise complied with a requirement of Chapter 62;

(3) the county in which the person required to register under Chapter 62 has indicated that the person intends to reside, regardless of whether the person establishes or attempts to establish residency in that county; ~~or~~

(4) any county in which the person required to register under Chapter 62 is placed under custodial arrest for an offense subsequent to the person's most recent reportable conviction or adjudication under Chapter 62; or

(5) the county in which the person required to register under Chapter 62 resides or is found by a peace officer,

1 regardless of how long the person has been in the county or intends  
2 to stay in the county.

3 SECTION 2. Article 62.051, Code of Criminal Procedure, is  
4 amended by amending Subsections (c) and (f) and adding Subsection  
5 (j) to read as follows:

6 (c) The registration form shall require:

7 (1) the person's full name, including each alias, the  
8 person's date of birth, sex, race, height, weight, eye color, hair  
9 color, social security number, driver's license number, and shoe  
10 size, and the [~~home~~] address at which the person resides or intends  
11 to reside or, if the person does not reside or intend to reside at a  
12 physical address, a detailed description of the geographical  
13 location at which the person resides or intends to reside;

14 (2) a recent color photograph or, if possible, an  
15 electronic digital image of the person and a complete set of the  
16 person's fingerprints;

17 (3) the type of offense the person was convicted of,  
18 the age of the victim, the date of conviction, and the punishment  
19 received;

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

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

25 (6) an indication as to whether the person is or will  
26 be employed, carrying on a vocation, or a student at a particular  
27 public or private institution of higher education in this state or

1 another state, and the name and address of that institution; and

2 (7) any other information required by the department.

3 (f) Not later than the seventh day after the date on which  
4 the person is released, a [A] person for whom registration is  
5 completed under this chapter shall report to the applicable local  
6 law enforcement authority to verify the information in the  
7 registration form received by the authority under this chapter. The  
8 authority shall require the person to produce proof of the person's  
9 identity and residence before the authority gives the registration  
10 form to the person for verification. If the information in the  
11 registration form is complete and accurate, the person shall verify  
12 registration by signing the form. If the information is not  
13 complete or not accurate, the person shall make any necessary  
14 additions or corrections before signing the form.

15 (j) If a person subject to registration under this chapter  
16 is released from a penal institution without being released to  
17 parole or placed on any other form of supervision and does not move  
18 to the residence indicated on the registration form as the person's  
19 intended residence, the person shall, not later than the seventh  
20 day after the date on which the person is released:

21 (1) report in person or by telephone to the applicable  
22 local law enforcement authority for the person's intended residence  
23 and provide the authority with the address of the person's  
24 temporary residence or, if applicable, a detailed description of  
25 the geographical location of the person's temporary residence; and

26 (2) unless the person has otherwise complied with the  
27 requirements of Article 62.055, continue to report, in the manner

1 required by Subdivision (1), to that authority not less than weekly  
2 during any period in which the person has not moved to the intended  
3 residence and provide the authority with the address of the  
4 person's temporary residence or, if applicable, a detailed  
5 description of the geographical location of the person's temporary  
6 residence.

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

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

17 (1) inform the person that:

18 (A) not later than the later of the seventh day  
19 after the date on which the person is released or after the date on  
20 which the person moves from a previous residence to a new residence  
21 in this state or not later than [~~the later of~~] the first date the  
22 applicable local law enforcement authority by policy allows the  
23 person to register or verify registration, the person  
24 must register or verify registration with the local law  
25 enforcement authority in the municipality or county in which the  
26 person intends to reside;

27 (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 applicable entities as required by Article  
5 62.051(h) or (j) or 62.055(e) [~~juvenile probation officer,~~  
6 ~~community supervision and corrections department officer, or~~  
7 ~~parole officer supervising the person~~];

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

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

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

1 personal identification certificate issued by the department to the  
2 person; and

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

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

9 (3) obtain the address or, if applicable, a detailed  
10 description of the geographical location where the person expects  
11 to reside on the person's release and other registration  
12 information, including a photograph and complete set of  
13 fingerprints; and

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

15 SECTION 4. The heading to Article 62.055, Code of Criminal  
16 Procedure, is amended to read as follows:

17 Art. 62.055. CHANGE OF ADDRESS; LACK OF ADDRESS.

18 SECTION 5. Article 62.055, Code of Criminal Procedure, is  
19 amended by adding Subsection (i) to read as follows:

20 (i) If a person required to register under this chapter  
21 establishes residency at a location to which a physical address has  
22 not been assigned by a governmental entity, the person, not less  
23 than once in each seven-day period, shall confirm the person's  
24 residency by:

25 (1) reporting to the local law enforcement authority  
26 in the municipality where the person resides or, if the person does  
27 not reside in a municipality, the local law enforcement authority

1 in the county in which the person resides; and  
2 (2) providing a detailed description of the  
3 geographical location of the residence.

4 SECTION 6. Article 13.31, Code of Criminal Procedure, as  
5 amended by this Act, applies only to an offense committed on or  
6 after the effective date of this Act. An offense committed before  
7 the effective date of this Act is covered by the law in effect when  
8 the offense was committed, and the former law is continued in effect  
9 for that purpose. For purposes of this section, an offense was  
10 committed before the effective date of this Act if any element of  
11 the offense occurred before that date.

12 SECTION 7. The changes in law made by this Act in amending  
13 Chapter 62, Code of Criminal Procedure, apply to any person who, on  
14 or after the effective date of this Act, is required to register  
15 under that chapter, regardless of whether the offense or conduct  
16 for which the person is required to register occurs before, on, or  
17 after the effective date of this Act.

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