

By: Bohac

H.B. No. 4118

A BILL TO BE ENTITLED

AN ACT

relating to the registration of sex offenders who claim no residence

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

SECTION 1. Amends Article 62.051, Subchapter P, of the Code of Criminal Procedure as follows:

Art. 62.051. REGISTRATION: GENERAL. (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. If the person does not reside or intend to reside in a municipality or county in the State of Texas, but is physically present within the State, the person must register with a local law enforcement agency at least once every fourteen days where the person is present until such time as the person establishes residency. The person shall satisfy the requirements of this subsection not later than ~~the later of:~~

1 (1) the seventh day after the person's arrival in the
2 municipality or county regardless of whether the person establishes
3 or attempts to establish residency in that county; [or]

4 (1a) the seventh day after the person's release from
5 the Texas Department of Corrections with the law enforcement agency
6 having jurisdiction as determined by the address listed on the
7 "PRE RELEASE NOTIFICATION FORM" of the TEXAS SEX OFFENDER
8 REGISTRATION PROGRAM. If no address is listed on the form, then the
9 person subject to registration must register with a law enforcement
10 agency where the sex offender is physically present within seven
11 days of release from the Texas Department of Corrections and
12 continue to register at least once every fourteen days with a law
13 enforcement agency where the person is physically present until the
14 person establishes residency and then registers as required under
15 this Subchapter; or

16 (2) the first date the local law enforcement authority
17 of the municipality or county by policy allows the person to
18 register or verify registration, as applicable.

19 (b) The department shall provide the Texas Department of
20 Criminal Justice, the Texas Youth Commission, the Texas Juvenile
21 Probation Commission, and each local law enforcement authority,
22 authority for campus security, county jail, and court with a form
23 for registering persons required by this chapter to register.

24 (c) The registration form shall require:

25 (1) the person's full name, each alias, date of birth,
26 sex, race, height, weight, eye color, hair color, social security
27 number, driver's license number, shoe size, and the ~~[home]~~ address

1 at which the person resides or intends to reside.

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

5 (3) the type of offense the person was convicted of,
6 the age of the victim, the date of conviction, and the punishment
7 received;

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

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

13 (6) an indication as to whether the person is or will
14 be employed, carrying on a vocation, or a student at a particular
15 public or private institution of higher education in this state or
16 another state, and the name and address of that institution; and

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

18 (d) The registration form must contain a statement and
19 description of any registration duties the person has or may have
20 under this chapter.

21 (e) Not later than the third day after a person's
22 registering, the local law enforcement authority with whom the
23 person registered shall send a copy of the registration form to the
24 department and, if the person resides on the campus of a public or
25 private institution of higher education, to any authority for
26 campus security for that institution.

27 (f) Not later than the seventh day after the date on which

1 the person is released, a person for whom registration is completed
2 under this chapter shall report to the applicable local law
3 enforcement authority to verify the information in the registration
4 form received by the authority under this chapter. The authority
5 shall require the person to produce proof of the person's identity
6 and residence before the authority gives the registration form to
7 the person for verification. If the information in the
8 registration form is complete and accurate, the person shall verify
9 registration by signing the form. If the information is not
10 complete or not accurate, the person shall make any necessary
11 additions or corrections before signing the form.

12 (g) A person who is required to register or verify
13 registration under this chapter shall ensure that the person's
14 registration form is complete and accurate with respect to each
15 item of information required by the form in accordance with
16 Subsection (c).

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

21 (1) report to the juvenile probation officer,
22 community supervision and corrections department officer, or
23 parole officer supervising the person by not later than the seventh
24 day after the date on which the person is released or the date on
25 which the person leaves a previous residence, as applicable, and
26 provide the officer with the address of the person's temporary
27 residence; and

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

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

19 (j) If a person subject to registration under this chapter
20 is released from a penal institution without being released to
21 parole or placed on any other form of supervision and does not have
22 a home address to list in accordance with Subsection (c), the person
23 must report to a law enforcement agency in the jurisdiction where
24 the person is physically located at least once every fourteen days
25 to update the registration form and continue to report in this
26 manner until the person provides an address as required under this
27 Subchapter.

1 SECTION 2. Amends article 62.052, Subchapter P, of the Code
2 of Criminal Procedure as follows:

3 Art. 62.052. REGISTRATION: EXTRAJURISDICTIONAL
4 REGISTRANTS. (a) An extrajurisdictional registrant is required to
5 comply with the annual verification requirements of Article 62.058
6 in the same manner as a person who is required to verify
7 registration on the basis of a reportable conviction or
8 adjudication.

9 (b) The duty to register for an extrajurisdictional
10 registrant expires on the date the person's duty to register would
11 expire under the laws of the other state or foreign country had the
12 person remained in that state or foreign country, under federal
13 law, or under the Uniform Code of Military Justice, as applicable.

14 (c) The department may negotiate and enter into a reciprocal
15 registration agreement with any other state to prevent residents of
16 this state and residents of the other state from frustrating the
17 public purpose of the registration of sex offenders by moving from
18 one state to the other.

19 Art. 62.053. PRERELEASE NOTIFICATION. (a) Before a person
20 who will be subject to registration under this chapter is due to be
21 released from a penal institution, the Texas Department of Criminal
22 Justice or the Texas Youth Commission shall determine the person's
23 level of risk to the community using the sex offender screening tool
24 developed or selected under Article 62.007 and assign to the person
25 a numeric risk level of one, two, or three. Before releasing the
26 person, an official of the penal institution shall:

27 (1) inform the person that:

1 (A) not later than the later of the seventh day
2 after the date on which the person is released or after the date on
3 which the person moves from a previous residence to a new residence
4 in this state or not later than ~~[the later of]~~ the first date the
5 applicable local law enforcement authority by policy allows the
6 person to register or verify registration, the person
7 must register or verify registration with the local law
8 enforcement authority in the municipality or county in which the
9 person intends to reside or with any law enforcement agency where
10 the person is present if the person does not reside or intend to
11 reside in any one location;

12 (B) not later than the seventh day after the date
13 on which the person is released or the date on which the person
14 moves from a previous residence to a new residence in this state,
15 the person must, if the person has not moved to an intended
16 residence, report to the applicable entities as required by this
17 Subchapter ~~[juvenile probation officer, community supervision and~~
18 ~~corrections department officer, or parole officer supervising the~~
19 ~~person];~~

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

27 (D) not later than the 10th day after the date on

1 which the person arrives in another state in which the person
2 intends to reside, the person must register with the law
3 enforcement agency that is identified by the department as the
4 agency designated by that state to receive registration
5 information, if the other state has a registration requirement for
6 sex offenders;

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

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

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

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

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

25 SECTION 3. This act takes effect on September 1, 2009.