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S.B. No. 1836

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the residence or location of certain sex offenders and to notice reflecting that location.

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;

4 (G) if the person enters the premises of a school
5 as described by Article 62.064 and is subject to the requirements of
6 that article, the person must immediately notify the administrative
7 office of the school of the person's presence on the premises of the
8 school and the person's registration status under this chapter; and

9 (H) if subject to the requirements of Article
10 62.065, the person may not reside within 2,000 feet of the premises
11 of a school;

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

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

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

20 SECTION 2. Article 62.058, Code of Criminal Procedure, is
21 amended by adding Subsection (f) to read as follows:

22 (f) A local law enforcement authority who provides a person
23 with a registration form for verification as required by this
24 chapter shall include with the form a statement and, if applicable,
25 a description of the duties and prohibitions under Articles 62.064
26 and 62.065.

27 SECTION 3. Subchapter B, Chapter 62, Code of Criminal

1 Procedure, is amended by adding Articles 62.064 and 62.065 to read
2 as follows:

3 Art. 62.064. ENTRY ONTO SCHOOL PREMISES; NOTICE REQUIRED.

4 (a) In this article, "school" has the meaning assigned by Section
5 481.134, Health and Safety Code.

6 (b) A person subject to registration under this chapter who
7 enters the premises of any school in this state during the standard
8 operating hours of the school shall immediately notify the
9 administrative office of the school of the person's presence on the
10 premises of the school and the person's registration status under
11 this chapter.

12 (c) The requirement of this article:

13 (1) is in addition to any requirement associated with
14 the imposition of a child safety zone on the person under Section
15 508.187 or 508.225, Government Code, Section 13B or 13D, Article
16 42.12, or other law; and

17 (2) does not apply to a student enrolled at the school.

18 Art. 62.065. PROHIBITED LOCATION OF RESIDENCE. (a) In this
19 article, "premises" and "school" have the meanings assigned by
20 Section 481.134, Health and Safety Code.

21 (b) A person subject to registration under this chapter
22 because of one or more reportable convictions or adjudications
23 involving a victim younger than 17 years of age may not reside
24 within 2,000 feet of the premises of a school, as measured in a
25 direct line from the boundary of the residence to the boundary of
26 the school premises.

27 (c) The requirement of this article is in addition to any

1 requirement associated with the imposition of a child safety zone
2 on the person under Section 508.187 or 508.225, Government Code,
3 Section 13B or 13D, Article 42.12, or other law.

4 SECTION 4. The changes in law made by this Act in amending
5 Chapter 62, Code of Criminal Procedure, apply to any person who, on
6 or after the effective date of this Act, is subject to registration
7 under that chapter, regardless of whether the offense or conduct
8 for which the person is subject to registration occurs before, on,
9 or after the effective date of this Act.

10 SECTION 5. This Act takes effect September 1, 2009.