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S.B. No. 1981

A BILL TO BE ENTITLED

AN ACT

relating to the proximity of certain sex offenders' residences to a school.

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 subject to the prohibition described by
5 Article 62.065, the person may not reside within 1,000 feet of the
6 premises of a school;

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

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

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

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

17 (f) If appropriate, a local law enforcement authority that
18 provides a person with a registration form for verification as
19 required by this chapter shall include with the form a statement
20 that the person is prohibited from residing within 1,000 feet of the
21 premises of a school.

22 SECTION 3. Subchapter B, Chapter 62, Code of Criminal
23 Procedure, is amended by adding Article 62.065 to read as follows:

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

27 (b) A person subject to registration under this chapter

1 because of one or more reportable convictions or adjudications for
2 a sexually violent offense involving a victim younger than 17 years
3 of age may not reside within 1,000 feet of the premises of a school,
4 as measured in a direct line from the boundary of the residence to
5 the boundary of the school premises.

6 (c) The requirement of this article is in addition to any
7 requirement associated with the imposition of a child safety zone
8 on the person under Section 508.187 or 508.225, Government Code,
9 Section 13B or 13D, Article 42.12, or other law.

10 SECTION 4. The changes in law made by this Act apply to any
11 person who, on or after the effective date of this Act, is subject
12 to registration under Chapter 62, Code of Criminal Procedure,
13 regardless of whether the offense or conduct for which the person is
14 subject to registration occurs before, on, or after the effective
15 date of this Act.

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