

Amend HB 3001 (house committee printing) as follows:

(1) Strike SECTION 3 of the bill (page 5, line 20, through page 6, line 9).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.0052 to read as follows:

Art. 62.0052. ELECTRONIC MAIL REPORTS FOR STATE LEGISLATORS. (a) The department shall maintain an electronic mail report service to which a member of the house of representatives or the senate of this state may electronically subscribe.

(b) The electronic mail report service maintained under Subsection (a) must:

(1) allow a subscribing representative or senator to request for each zip code any portion of which is located in the representative's or senator's district notification of:

(A) the release from a penal institution or placement on deferred adjudication community supervision, community supervision, or juvenile probation of a person who expects to reside or resides in that zip code and is required to register under this chapter; and

(B) any change in address of a person who expects to reside or resides in that zip code and is required to register under this chapter; and

(2) not less frequently than monthly, deliver to the subscribing representative or senator a report containing the information described by Subdivision (1).

(c) The department must include any public information described by Article 62.005 in an electronic mail report sent to a subscribing representative or senator.

SECTION \_\_\_\_\_. Subchapter B, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.0531 to read as follows:

Art. 62.0531. DETERMINATION OF PREDATORY RISK LEVEL. (a) In this article, "sexually predatory conduct" means conduct that is engaged in for the purpose of victimization and that:

(1) is directed toward a stranger, a person of casual acquaintance with whom no substantial relationship exists, or a

person with whom a relationship has been established or promoted for the purpose of victimization; and

(2) violates:

(A) Section 21.11(a)(1), 22.011, or 22.021, Penal Code;

(B) Section 43.25, Penal Code;

(C) Section 20.04(a)(4), Penal Code, if the conduct is committed with the intent to violate or abuse the victim of the conduct sexually; or

(D) Section 30.02, Penal Code, if the conduct is punishable under Subsection (d) of that section and is committed with the intent to engage in conduct described by Paragraph (A) or (C).

(b) In addition to assigning to a person a numeric risk level of one, two, or three under Article 62.053(a), before a person who will be subject to registration under this chapter and who will be described by Article 62.063(b) on or after release is due to be released from a penal institution, the Texas Department of Criminal Justice or the Texas Youth Commission, as applicable, using the dynamic risk assessment tool developed or adopted by the Council on Sex Offender Treatment under Section 110.164, Occupations Code, shall:

(1) determine the likelihood that the person will engage in sexually predatory conduct after being released from the institution; and

(2) assign to the person a predatory risk level of low, medium, or high.

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

Art. 62.063. MONITORING OF CERTAIN HIGH-RISK REGISTRANTS.

(a) In this article, "monitoring system" means an electronic monitoring service, global positioning satellite service, or other appropriate technological service that is designed to track a person's location.

(b) This article applies only to a person 18 years of age or older who is released from a penal institution, who is required to register under this chapter as the result of a reportable

conviction or adjudication, and who:

(1) is not otherwise subject to monitoring under Chapter 61A;

(2) is not under the supervision and control of:

(A) the Texas Youth Commission;

(B) a community supervision and corrections department; or

(C) the parole division of the Texas Department of Criminal Justice; or

(3) has not been civilly committed under Chapter 841, Health and Safety Code.

(c) A person described by Subsection (b) who, under Article 62.0531, is assigned a predatory risk level of high shall participate in any monitoring system program implemented under Subsection (d). A person's duty to participate in the program expires on the third anniversary of the date the person is released from the penal institution.

(d) Subject to the receipt of one or more grants awarded by the criminal justice division of the governor's office, the department shall implement and coordinate a monitoring system program that tracks the location of persons subject to this article. A monitoring system program implemented under this subsection must require:

(1) the department to provide to each local law enforcement authority designated as the primary registration authority under this chapter for a person subject to this article monitoring system equipment that is sufficient to track the location of the person;

(2) each local law enforcement authority designated as a person's primary registration authority under this chapter to use the monitoring system equipment provided under Subdivision (1) to verify the authenticity of any geographically verifiable information contained in the registration form of a person subject to this article, including the person's residence; and

(3) the manufacturer or vendor of the monitoring system equipment provided to a local law enforcement authority under Subdivision (1) to provide training and technological support

to the authority with respect to the equipment.

(e) A monitoring system that is part of a monitoring system program described by Subsection (d) must track a person's location and periodically provide a cumulative report of the tracked person's location to the department. The monitoring system is not required to be capable of tracking a person's location in real time or providing a real-time report of the person's location to the department.

(f) A person who is not indigent and who is required to participate in a monitoring system program described by Subsection (d) is responsible for the cost of the monitoring system and monthly shall pay to the person's primary registration authority and to the department the amount that the primary registration authority or department, as applicable, determines is necessary to defray that entity's cost of operating the system with respect to the person during the preceding month.

(g) In the manner prescribed by the criminal justice division of the governor's office, the department shall report to the division the amounts of any money received by the department under Subsection (f). The division shall treat that money as program income for the department and shall use the reported amounts to offset the amounts of grants awarded by the division to the department.

(h) The public safety director of the department shall adopt rules as necessary to implement and coordinate the monitoring system program described by Subsection (d).

(i) Notwithstanding any other provision of this article, this article does not apply to a person who is released from a penal institution before the date that the monitoring system program is implemented and becomes fully operational.

SECTION \_\_\_\_\_. Section 110.164(a), Occupations Code, is amended to read as follows:

(a) The council shall develop or adopt a dynamic risk assessment tool to be used in determining the likelihood that a person who is confined in a penal institution and will become subject to Chapter 62, Code of Criminal Procedure, on being released from the institution will:

(1) engage in sexually predatory conduct; or  
(2) otherwise commit an offense described by Article 62.001(5), Code of Criminal Procedure~~[, after being released from the institution]~~.

SECTION \_\_\_\_\_. The Department of Public Safety shall ensure that the electronic mail report service required to be maintained under Article 62.0052, Code of Criminal Procedure, as added by this Act, becomes fully functional and able to receive subscription requests and shall begin to respond appropriately to those requests not later than January 1, 2012.

SECTION \_\_\_\_\_. (a) Not later than September 15, 2011, the Department of Public Safety shall issue a request for qualifications or proposal for the purchase of any monitoring system equipment necessary to operate the monitoring system program described by Article 62.063, Code of Criminal Procedure, as added by this Act, and to operate the monitoring system program described by Chapter 61A, Code of Criminal Procedure, as added by this Act. The department may consider only those responses to the request for qualifications or proposal that are received from, and may only contract with, a manufacturer of the monitoring system equipment.

(b) The selection process through which the Department of Public Safety chooses a manufacturer with which to contract under Subsection (a) of this section must include side-by-side test comparisons of all products being considered. In awarding a contract under Subsection (a) of this section, the department may not give greater weight to cost considerations than to considerations concerning the product test results, product reliability and functionality, and the protection of public safety.

(c) Subject to the receipt of one or more grants awarded by the criminal justice division of the governor's office, the Department of Public Safety shall ensure that the monitoring system program required under Article 62.063, Code of Criminal Procedure, as added by this Act, becomes fully operational not later than February 29, 2012.