

BILL ANALYSIS

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S.B. 1191
By: Gallegos
Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

New Chapter 62(A), Code of Criminal Procedure, would require a convicted arsonist to register with law enforcement under a registration system similar to the sex offender registry already law in the state of Texas. This bill would provide law enforcement information on the whereabouts of convicted arsonists by requiring registration in a statewide database.

In addition to creating the database, the bill also proposes standards on when registration and re-registration occurs. Additionally, it sets forth standards on who must register, how long an individual must stay on the registry, assigns responsibility for maintaining the database, as well as several other significant details.

Law enforcement currently has no ability to track convicted arsonists in a centralized tool. This bill would simply follow the precedent established by the sex offender registry and provide a way for law enforcement to track said offenders.

As proposed, S.B. 1191 amends current law relating to the criminal registration procedure for a convicted arsonist.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Criminal Justice, the Texas Youth Commission, the Texas Juvenile Probation Commission, and the Texas Department of Public Safety in SECTION 1 (Article 62(A).010, Code of Criminal Procedure) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 62(A).001, Code of Criminal Procedure, as follows:

TITLE 1. CODE OF CRIMINAL PROCEDURE

CHAPTER 62(A).001 ARSONIST REGISTRATION PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Art. 62(A).001. DEFINITIONS. Defines "department," "local law enforcement authority," "penal institution," "released," "reportable conviction or adjudication," "convicted arsonist," "residence," "public or private institution of higher education," "authority for campus security," "extrajurisdictional registrant," "centralized registration authority," and "online identifier" in this chapter.

Art. 62(A).002. APPLICABILITY OF CHAPTER. (a) Provides that this chapter applies only to a reportable conviction or adjudication occurring on or after September 1, 2000.

(b) Provides that, except as provided by Subsection (c), the duties imposed on a person required to register under this chapter on the basis of a reportable conviction or adjudication, and the corresponding duties and powers of other entities in relation to the person required to register on the basis of that conviction or adjudication, are not affected by:

(1) an appeal of the conviction or adjudication; or

(2) a pardon of the conviction or adjudication.

(c) Provides that if a conviction or adjudication that is the basis of a duty to register under this chapter is set aside on appeal by a court or if the person required to register under this chapter on the basis of a conviction or adjudication receives a pardon on the basis of subsequent proof of innocence, the duties imposed on the person by this chapter and the corresponding duties and powers of other entities in relation to the person are terminated.

Art. 62(A).003. DETERMINATION REGARDING SUBSTANTIALLY SIMILAR ELEMENTS OF OFFENSE. (a) Provides that for the purposes of this chapter, the Texas Department of Public Safety (DPS) is responsible for determining whether an offense under the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice contains elements that are substantially similar to the elements of an offense under the laws of this state.

(b) Requires DPS to annually provide or make available to each prosecuting attorney's office in this state:

(1) the criteria used in making a determination under Subsection (a); and

(2) any existing record or compilation of offenses under the laws of another state, federal law, the laws of a foreign country, and the Uniform Code of Military Justice that DPS has already determined to contain elements that are substantially similar to the elements of offenses under the laws of this state.

(c) Requires an appeal of a determination made under this article to be brought in a district court in Travis County.

Art. 62(A).004. DETERMINATION REGARDING PRIMARY REGISTRATION AUTHORITY. (a) Requires DPS to determine, except as provided by Subsection (a-1), for each person subject to registration under this chapter, which local law enforcement authority serves as the person's primary registration authority based on the municipality or county in which the person resides or, as provided by Article (A) 62.152, the municipality or county in which the person works or attends school.

(a-1) Provides that, notwithstanding any other provision of this chapter, if a person resides or, as described by Article (A) 62.152, works or attends school in a county with a centralized registration authority, the centralized registration authority serves as the person's primary registration authority under this chapter, regardless of whether the person resides, works, or attends school, as applicable, in any municipality located in that county.

(b) Requires DPS to notify each person subject to registration under this chapter of the person's primary registration authority in a timely manner.

Art. 62(A).0045. CENTRALIZED REGISTRATION AUTHORITY. (a) Authorizes the commissioners court in a county with a population of 100,000 or more to designate the office of the sheriff of the county or to, through interlocal agreement, designate the office of a chief of police of a municipality in that county to serve as a mandatory countywide registration location for persons subject to this chapter.

(b) Requires a person who is subject to this chapter, notwithstanding any other provision of this chapter, to register under Article (A) 62.051 or verify registration under Article (A) 62.058 only with the centralized registration authority for the county, regardless of whether the person resides in any municipality located in

that county. Requires the centralized registration authority, if the person resides in a municipality, and the local law enforcement authority in the municipality does not serve as the person's centralized registration authority, to, not later than the third day after the date the person registers or verifies registration with that authority, provide to the local law enforcement authority in that municipality notice of the person's registration or verification of registration, as applicable, with the centralized registration authority.

Art. 62(A).005. CENTRAL DATABASE; PUBLIC INFORMATION. (a) Requires DPS to maintain a computerized central database containing the information required for registration under this chapter. Authorizes DPS to include in the computerized central database the numeric risk level assigned to a person under this chapter.

(b) Provides that the information contained in the database, including the numeric risk level assigned to a person under this chapter, is public information, with the exception of any information:

(1) regarding the person's social security number or driver's license number, or any home, work, or cellular telephone number of the person;

(2) that is described by Article (A) 62.051(c)(7) or required by DPS under Article (A) 62.051(c)(8); or

(3) that would identify the county of the offense for which the person is subject to registration.

(c) Requires DPS, notwithstanding Chapter 730 (Motor Vehicle Records Disclosure Act), Transportation Code, to maintain in the database, and to post on any department website related to the database, any photograph of the person that is available through the process for obtaining or renewing a personal identification certificate or driver's license under Section 521.103 (Expiration and Renewal Requirements for Certain Sex Offenders) or 521.272 (Renewal of License Issued to Certain Sex Offenders), Transportation Code. Requires DPS to update the photograph in the database and on the website annually or as the photograph otherwise becomes available through the renewal process for the certificate or license.

(d) Requires a local law enforcement authority to release public information described under Subsection (b) to any person who requests the information from the authority. Authorizes the authority to charge the person a fee not to exceed the amount reasonably necessary to cover the administrative costs associated with the authority's release of information to the person under this subsection.

(e) Requires DPS to provide a licensing authority with notice of any person required to register under this chapter who holds or seeks a license that is issued by the authority. Requires DPS to provide the notice required by this subsection as the applicable licensing information becomes available through the person's registration or verification of registration.

(f) Requires DPS, on the written request of a licensing authority that identifies an individual and states that the individual is an applicant for or a holder of a license issued by the authority, to release any information described by Subsection (a) to the licensing authority.

(g) Defines "license" and "licensing authority" for the purposes of Subsections (e) and (f).

(h) Requires DPS, not later than the third day after the date on which the applicable information becomes available through the person's registration or verification of registration or under Article (A) 62.058, to send notice of any

person required to register under this chapter who is or will be employed, carrying on a vocation, or a student at a public or private institution of higher education in this state to:

(1) for an institution in this state:

(A) the authority for campus security for that institution; or

(B) if an authority for campus security for that institution does not exist, the local law enforcement authority of:

(i) the municipality in which the institution is located; or

(ii) the county in which the institution is located, if the institution is not located in a municipality; or

(2) for an institution in another state, any existing authority for campus security at that institution.

(i) Requires DPS, on the written request of an institution of higher education described by Subsection (h) that identifies an individual and states that the individual has applied to work or study at the institution, to release any information described by Subsection (a) to the institution.

(j) Requires DPS, for law enforcement purposes, to release all relevant information described by Subsection (a), including information that is not public information under Subsection (b), to a peace officer, an employee of a local law enforcement authority, or the attorney general on the request of the applicable person or entity.

Art. 62(A).006. INFORMATION PROVIDED TO PEACE OFFICER ON REQUEST. Requires DPS to establish a procedure by which a peace officer or employee of a law enforcement agency who provides DPS with a driver's license number, personal identification certificate number, or license plate number is automatically provided information as to whether the person to whom the driver's license or personal identification certificate is issued is required to register under this chapter or whether the license plate number is entered in the computerized central database under Article (A) 62.005 as assigned to a vehicle owned or driven by a person required to register under this chapter.

[Note: Bill does not contain an Article 62(A).007.]

Art. 62(A).008. GENERAL IMMUNITY. Provides that the following persons are immune from liability for good faith conduct under this chapter:

(1) an employee or officer of the Texas Department of Criminal Justice, the Texas Youth Commission, the Texas Juvenile Probation Commission, DPS, the Board of Pardons and Paroles, or a local law enforcement authority;

(2) an employee or officer of a community supervision and corrections department or a juvenile probation department;

(3) a member of the judiciary.

Art. 62(A).009. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION. (a) Authorizes DPS, a penal institution, a local law enforcement authority, or an authority for campus security to release to the public information regarding a person required to register under this chapter only if the information is public information under this chapter.

(b) Provides that an individual, agency, entity, or authority is not liable under Chapter 101 (Tort Claims), Civil Practice and Remedies Code, or any other law for damages arising from conduct authorized by Subsection (a).

(c) Provides that for purposes of determining liability, the release or withholding of information by an appointed or elected officer of an agency, entity, or authority is a discretionary act.

(d) Authorizes a private primary or secondary school, public or private institution of higher education, or administrator of a private primary or secondary school or public or private institution of higher education to release to the public information regarding a person required to register under this chapter only if the information is public information under this chapter and is released to the administrator under Section 28.02 (Arson), Penal Code. Provides that a private primary or secondary school, public or private institution of higher education, or administrator of a private primary or secondary school or public or private institution of higher education is not liable under any law for damages arising from conduct authorized by this subsection.

Art. 62(A).010. RULEMAKING AUTHORITY. Authorizes the Texas Department of Criminal Justice, the Texas Youth Commission, the Texas Juvenile Probation Commission, and DPS to adopt any rule necessary to implement this chapter.

SUBCHAPTER B. REGISTRATION AND VERIFICATION REQUIREMENTS; RELATED NOTICE

Art. 62(A).051. REGISTRATION: GENERAL. (a) Requires 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 to 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. Requires the person, if the person does not reside or intend to reside in a municipality, to register or verify registration in any county where the person resides or intends to reside for more than seven days. Requires the person to satisfy the requirements of this subsection not later than the later of:

(1) the seventh day after the person's arrival in the municipality or county;
or

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

(b) Requires DPS to provide the Texas Department of Criminal Justice, the Texas Youth Commission, the Texas Juvenile Probation Commission, and each local law enforcement authority, authority for campus security, county jail, and court with a form for registering persons required by this chapter to register.

(c) Requires that the registration form require:

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

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

(3) the address of offense the person was convicted of, the date of conviction, and the punishment received;

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

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

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

(7) any other information required by the department.

(c) *[sic]* Requires that the registration form require:

(1) the person's full name, date of birth, sex, race, height, weight, eye color, hair color, social security number, driver's license number, shoe size, and home address and each alias used by the person and any home, work, or cellular telephone number of the person;

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

(3) the address of the offense the person was convicted of, the date of conviction, and the punishment received;

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

(5) an indication of each license, as defined by Article 62(A).005(g) (relating to defining certain terms for the purposes of Article 62.005(e) and(f)), that is held or sought by the person;

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

(7) the identification of any online identifier established or used by the person; and

(8) any other information required by DPS.

(d) Requires that the registration form contain a statement and description of any registration duties the person has or may have under this chapter.

(e) Requires the local law enforcement authority with whom the person registered, not later than the third day after a person's registering, to send a copy of the registration form to DPS and, if the person resides on the campus of a public or private institution of higher education, to any authority for campus security for that institution.

(f) Requires a person for whom registration is completed under this chapter, not later than the seventh day after the date on which the person is released, to report

to the applicable local law enforcement authority to verify the information in the registration form received by the authority under this chapter. Requires the authority to require the person to produce proof of the person's identity and residence before the authority gives the registration form to the person for verification. Requires the person, if the information in the registration form is complete and accurate, to verify registration by signing the form. Requires the person to make any necessary additions or corrections before signing the form if the information is not complete or not accurate.

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

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

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

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

(i) Requires a person who has a reportable conviction or adjudication, who resides in this state, and who is employed, carries on a vocation, or is a student in another state, if the other state has a registration requirement for arsonists, to, not later than the 10th day after the date on which the person begins to work or attend school in the other state, register with the law enforcement authority that is identified by DPS as the authority designated by that state to receive registration information. Requires the person, if the person is employed, carries on a vocation, or is a student at a public or private institution of higher education in the other state and if an authority for campus security exists at the institution, to also register with that authority not later than the 10th day after the date on which the person begins to work or attend school.

(j) Requires a person, if the person subject to registration under this chapter is released from a penal institution without being released to parole or placed on any other form of supervision and the person does not move to the address indicated on the registration form as the person's intended residence or does not indicate an address on the registration form, to, not later than the seventh day after the date on which the person is released:

(1) report in person to the local law enforcement authority for the municipality or county, as applicable, in which the person is residing and provide that authority with the address at which the person is residing or, if the person's residence does not have a physical address, a detailed description of the geographical location of the person's residence; and

(2) until the person indicates the person's current address as the person's intended residence on the registration form or otherwise complies with the requirements of Article 62(A).055, as appropriate, continue to report, in the manner required by Subdivision (1), to that authority not less than

once in each succeeding 30-day period and provide that authority with the address at which the person is residing or, if applicable, a detailed description of the geographical location of the person's residence.

(k) Prohibits a person required to register under this chapter from refusing or otherwise failing to provide any information required for the accurate completion of the registration form.

Art. 62(A).052. REGISTRATION: EXTRAJURISDICTIONAL REGISTRANTS. (a) Requires an extrajurisdictional registrant to comply with the annual verification requirements of Article 62(A).058 in the same manner as a person who is required to verify registration on the basis of a reportable conviction or adjudication.

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

(c) Authorizes DPS to negotiate and enter into a reciprocal registration agreement with any other state to prevent residents of this state and residents of the other state from frustrating the public purpose of the registration of arsonists by moving from one state to the other.

Art. 62(A).053. PRERELEASE NOTIFICATION. (a) Requires an official of the penal institution, before a person who will be subject to registration under this chapter is due to be released from a penal institution, to:

(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 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 on which the person is released or the date on which the person moves from a previous residence to a new residence in this state, the person must, if the person has not moved to an intended residence, report to the applicable entity or entities as required by Article 62(A).051(h) or (j) or 62(A).055(e);

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

(D) not later than the 10th day after the date on which the person arrives in another state in which the person intends to reside, the person must register with the law enforcement agency that is identified by DPS as the agency designated by that state to receive registration information, if the other state has a registration requirement for arsonists;

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

(F) the person must notify appropriate entities of any change in status as described by Article 62(A).057;

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

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

(4) complete the registration form for the person.

(b) Requires an official of the penal institution, on the seventh day before the date on which a person who will be subject to registration under this chapter is due to be released from a penal institution, or on receipt of notice by a penal institution that a person who will be subject to registration under this chapter is due to be released in less than seven days, to send the person's completed registration form and numeric risk level to DPS and to:

(1) the applicable local law enforcement authority in the municipality or county in which the person expects to reside, if the person expects to reside in this state; or

(2) the law enforcement agency that is identified by DPS as the agency designated by another state to receive registration information, if the person expects to reside in that other state and that other state has a registration requirement for arsonists.

[Note: Bill does not contain a Subsection (c).]

(d) Requires the parole division or community supervision and corrections department, if a person who has a reportable conviction described by Article 28.02, Penal Code, is placed under the supervision of the parole division of the Texas Department of Criminal Justice or a community supervision and corrections department under Section 510.017 (Compact to be Entered; Text), Government Code, to conduct the prerelease notification and registration requirements specified in this article on the date the person is placed under the supervision of the division or community supervision and corrections department. Requires the commission, vendor, probation department, or facility, if a person who has a reportable adjudication of delinquent conduct described by Article 62(A).001(5)(H) or (I) is, as permitted by Section 60.002 (repealed), Family Code, placed under the supervision of the Texas Youth Commission, a public or private vendor operating under contract with the Texas Youth Commission, a local juvenile probation department, or a juvenile secure pre-adjudication or post-adjudication facility, to conduct the prerelease notification and registration requirements specified in this article on the date the person is placed under the supervision of the commission, vendor, probation department, or facility.

(e) Requires the local law enforcement authority, not later than the eighth day after receiving a registration form under Subsection (b), (c), or (d), to verify the basis on which the person is subject to registration under this chapter.

Art. 62(A).055. CHANGE OF ADDRESS; LACK OF ADDRESS. (a) Requires a person, if a person required to register under this chapter intends to change address, regardless of whether the person intends to move to another state, to, not later than the seventh day before the intended change, report in person to the local law enforcement authority designated as the person's primary registration authority by DPS and to the juvenile probation officer, community supervision and corrections department officer, or parole officer supervising the person and provide the authority and the officer with the person's anticipated move date and new address. Requires a person, if the person is required to register changes address, to, not later than the later of the seventh day after changing the address or the first date the applicable local law enforcement authority by policy allows the person to report, report in person to the local law enforcement authority in the municipality or county in which the person's new residence is located and provide the authority with proof of identity and proof of residence.

(b) Requires the person's juvenile probation officer, community supervision and corrections department officer, or parole officer, not later than the third day after receipt of notice under Subsection (a), to forward the information provided under Subsection (a) to the local law enforcement authority designated as the person's primary registration authority by DPS and, if the person intends to move to another municipality or county in this state, to the applicable local law enforcement authority in that municipality or county.

(c) Requires the person, if the person moves to another state that has a registration requirement for convicted arsonists, to, not later than the 10th day after the date on which the person arrives in the other state, register with the law enforcement agency that is identified by DPS as the agency designated by that state to receive registration information.

(d) Requires the local law enforcement authority, not later than the third day after receipt of information under Subsection (a) or (b), whichever is earlier, to forward this information to DPS and, if the person intends to move to another municipality or county in this state, to the applicable local law enforcement authority in that municipality or county.

(e) Requires a person, if a person who reports to a local law enforcement authority under Subsection (a) does not move on or before the anticipated move date or does not move to the new address provided to the authority, to:

(1) not later than the seventh day after the anticipated move date, and not less than weekly after that seventh day, report to the local law enforcement authority designated as the person's primary registration authority by DPS and provide an explanation to the authority regarding any changes in the anticipated move date and intended residence; and

(2) report to the juvenile probation officer, community supervision and corrections department officer, or parole officer supervising the person not less than weekly during any period in which the person has not moved to an intended residence.

(f) Requires DPS, if the person moves to another municipality or county in this state, to inform the applicable local law enforcement authority in the new area of the person's residence not later than the third day after the date on which the department receives information under Subsection (a). Requires the authority, not later than the eighth day after the date on which the local law enforcement authority is informed under Subsection (a) or under this subsection, to verify the basis on which the person is subject to registration under this chapter.

[Note: Bill does not contain an Article 62(A).056.]

Art. 62(A).057. STATUS REPORT BY SUPERVISING OFFICER OR LOCAL LAW ENFORCEMENT AUTHORITY. (a) Requires the supervising officer, if the juvenile probation officer, community supervision and corrections department officer, or parole officer supervising a person subject to registration under this chapter receives information to the effect that the person's status has changed in any manner that affects proper supervision of the person, including a change in the person's name, online identifiers, physical health, job or educational status, including higher educational status, incarceration, or terms of release, to promptly notify the appropriate local law enforcement authority or authorities of that change. Requires the supervising officer to notify the local law enforcement authorities designated by Article 62(A).055(b) if the person required to register intends to change address. Requires the supervising officer, not later than the seventh day after the date the supervising officer receives the relevant information, to notify the local law enforcement authority of any change in the person's job or educational status in which the person:

- (1) becomes employed, begins to carry on a vocation, or becomes a student at a particular public or private institution of higher education; or
- (2) terminates the person's status in that capacity.

(b) Requires a person subject to registration under this chapter, not later than the later of the seventh day after the date of the change or the first date the applicable authority by policy allows the person to report, to report to the local law enforcement authority designated as the person's primary registration authority by DPS any change in the person's name, online identifiers, physical health, or job or educational status, including higher educational status.

(c) Provides that for purposes of Subsection (b):

- (1) a person's job status changes if the person leaves employment for any reason, remains employed by an employer but changes the location at which the person works, or begins employment with a new employer;
- (2) a person's health status changes if the person is hospitalized as a result of an illness;
- (3) a change in a person's educational status includes the person's transfer from one educational facility to another; and
- (4) regarding a change of name, notice of the proposed name provided to a local law enforcement authority as described by Sections 45.004 (Order) and 45.103 (Order), Family Code, is sufficient, except that the person shall promptly notify the authority of any denial of the person's petition for a change of name.

(d) Requires the local law enforcement authority, not later than the seventh day after the date the local law enforcement authority receives the relevant information, to notify DPS of any change in the person's job or educational status in which the person:

- (1) becomes employed, begins to carry on a vocation, or becomes a student at a particular public or private institution of higher education; or
- (2) terminates the person's status in that capacity.

Art. 62(A).058. LAW ENFORCEMENT VERIFICATION OF REGISTRATION INFORMATION. (a) Requires a person subject to registration under this chapter who has

for an arson offense been convicted two or more times, received an order of deferred adjudication two or more times, or been convicted and received an order of deferred adjudication to report to the local law enforcement authority designated as the person's primary registration authority by DPS not less than once in each 90-day period following the date the person first registered under this chapter to verify the information in the registration form maintained by the authority for that person. Requires a person subject to registration under this chapter who is not subject to the 90-day reporting requirement described by this subsection to report to the local law enforcement authority designated as the person's primary registration authority by DPS once each year not earlier than the 30th day before and not later than the 30th day after the anniversary of the person's date of birth to verify the information in the registration form maintained by the authority for that person. Provides that for purposes of this subsection, a person complies with a requirement that the person register within a 90-day period following a date if the person registers at any time on or after the 83rd day following that date but before the 98th day after that date.

(b) Authorizes a local law enforcement authority designated as a person's primary registration authority by DPS to direct the person to report to the authority to verify the information in the registration form maintained by the authority for that person. Authorizes the authority to direct the person to report under this subsection once in each 90-day period following the date the person first registered under this chapter, if the person is required to report not less than once in each 90-day period under Subsection (a) or once in each year not earlier than the 30th day before and not later than the 30th day after the anniversary of the person's date of birth, if the person is required to report once each year under Subsection (a). Prohibits a local law enforcement authority from directing a person to report to the authority under this subsection if the person is required to report under Subsection (a) and is in compliance with the reporting requirements of that subsection.

(c) Requires a local law enforcement authority with whom a person reports under this article to require the person to produce proof of the person's identity and residence before the authority gives the registration form to the person for verification. Requires the person to verify registration by signing the form if the information in the registration form is complete and accurate. Requires the person to make any necessary additions or corrections before signing the form if the information is not complete or not accurate.

(d) Authorizes a local law enforcement authority designated as a person's primary registration authority by DPS to at any time mail a nonforwardable verification form to the last reported address of the person. Requires the person, not later than the 21st day after receipt of a verification form under this subsection, to:

- (1) indicate on the form whether the person still resides at the last reported address and, if not, provide on the form the person's new address;
- (2) complete any other information required by the form;
- (3) sign the form; and
- (4) return the form to the authority.

(e) Provides that for purposes of this article, a person receives multiple convictions or orders of deferred adjudication regardless of whether:

- (1) the judgments or orders are entered on different dates; or
- (2) the offenses for which the person was convicted or placed on deferred adjudication arose out of different criminal transactions.

Art. 62(A).059. REGISTRATION OF PERSONS REGULARLY VISITING LOCATION. (a) Requires a person subject to this chapter who on at least three occasions during any month spends more than 48 consecutive hours in a municipality or county in this state, other than the municipality or county in which the person is registered under this chapter, before the last day of that month to report that fact to:

(1) the local law enforcement authority of the municipality in which the person is a visitor; or

(2) if the person is a visitor in a location that is not a municipality, the local law enforcement authority of the county in which the person is a visitor.

(b) Requires a person described by Subsection (a) to provide the local law enforcement authority with:

(1) all information the person is required to provide under Article (A) 62.051(c);

(2) the address of any location in the municipality or county, as appropriate, at which the person was lodged during the month; and

(3) a statement as to whether the person intends to return to the municipality or county during the succeeding month.

(c) Provides that this article does not impose on a local law enforcement authority requirements of public notification or notification to schools relating to a person about whom the authority is not otherwise required by this chapter to make notifications.

Art. 62(A).060. REQUIREMENTS RELATING TO DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE. (a) Requires a person subject to registration under this chapter to apply to DPS in person for the issuance of, as applicable, an original or renewal driver's license under Section 521.272 (Renewal of License Issued to Certain Sex Offenders), Transportation Code, an original or renewal personal identification certificate under Section 521.103 (Expiration and Renewal Requirements for Certain Sex Offenders), Transportation Code, or an original or renewal commercial driver's license or commercial driver learner's permit under Section 522.033 (Commercial Driver's License Issued to Certain Sex Offenders, Transportation Code, not later than the 30th day after the date:

(1) the person is released from a penal institution or is released by a court on community supervision or juvenile probation; or

(2) DPS sends written notice to the person of the requirements of this article.

(b) Requires the person to annually renew in person each driver's license or personal identification certificate issued by DPS to the person, including each renewal, duplicate, or corrected license or certificate, until the person's duty to register under this chapter expires.

Art. 62.061. DNA SPECIMEN. Requires a person required to register under this chapter to comply with a request for a DNA specimen made by a law enforcement agency under Section 411.1473 (DNA Records of Certain Registered Sex Offenders), Government Code.

Art. 62(A).062. LIMITATION ON NEWSPAPER PUBLICATION. (a) Except as provided by Subsection (b), a local law enforcement authority may not publish notice in a newspaper or other periodical or circular concerning a person's registration under this

chapter if the only basis on which the person is subject to registration is one or more adjudications of delinquent conduct.

SUBCHAPTER C. EXPIRATION OF DUTY TO REGISTER; GENERAL

PENALTIES FOR NONCOMPLIANCE

Art. 62(A).101. EXPIRATION OF DUTY TO REGISTER. (a) Provides that, except as provided by Subsection (b) and Subchapter I, the duty to register for a person ends when the person dies if the person has a reportable conviction or adjudication, other than an adjudication of delinquent conduct, for:

- (1) an arson offense;
- (2) an offense under Section 28.02, Penal Code;
- (3) an offense under Section 28.02 Penal Code, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration under this chapter;
- (4) an offense under Section 28.02 Penal Code, if:
 - (A) the judgment in the case contains an affirmative finding under Article; and
 - (B) before or after the person is convicted or adjudicated for the offense under Penal Code, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration under this chapter; or

(b) Provides that, except as provided by Subchapter I [*sic*], the duty to register for a person otherwise subject to Subsection (a) ends on the 10th anniversary of the date on which the person is released from a penal institution or discharges community supervision or the court dismisses the criminal proceedings against the person and discharges the person, whichever date is later, if the person's duty to register is based on a conviction or an order of deferred adjudication in a cause that was transferred to a district court or criminal district court under Section 54.02 (Waiver of Jurisdiction and Discretionary Transfer to Criminal Court), Family Code.

(c) Provides that, except as provided by Subchapter I, the duty to register for a person with a reportable conviction or adjudication for an offense other than an offense described by Subsection (a) ends:

- (1) if the person's duty to register is based on an adjudication of delinquent conduct, on the 10th anniversary of the date on which the disposition is made or the person completes the terms of the disposition, whichever date is later; or
- (2) if the person's duty to register is based on a conviction or on an order of deferred adjudication, on the 10th anniversary of the date on which the court dismisses the criminal proceedings against the person and discharges the person, the person is released from a penal institution, or the person discharges community supervision, whichever date is later.

Art. 62(A).102. FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS.

(a) Provides that a person commits an offense if the person is required to register and fails to comply with any requirement of this chapter.

(b) Provides that an offense under this article is:

(1) a state jail felony if the actor is a person whose duty to register expires under Article (A) 62.101(b) or (c);

(2) a felony of the third degree if the actor is a person whose duty to register expires under Article 62(A).101(a) and who is required to verify registration once each year under Article 62(A).058; and

(3) a felony of the second degree if the actor is a person whose duty to register expires under Article 62(A).101(a) and who is required to verify registration once each 90-day period under Article 62(A).058.

(c) Provides that if it is shown at the trial of a person for an offense or an attempt to commit an offense under this article that the person has previously been convicted of an offense or an attempt to commit an offense under this article, the punishment for the offense or the attempt to commit the offense is increased to the punishment for the next highest degree of felony.

SUBCHAPTER D. PROVISIONS APPLICABLE TO CERTAIN WORKERS AND STUDENTS

Art. 62(A).151. DEFINITIONS. Provides that for purposes of this subchapter, a person:

(1) is employed or carries on a vocation if the person works or volunteers on a full-time or part-time basis for a consecutive period exceeding 14 days or for an aggregate period exceeding 30 days in a calendar year;

(2) works regardless of whether the person works for compensation or for governmental or educational benefit; and

(3) is a student if the person enrolls on a full-time or part-time basis in any educational facility, including:

(A) a public or private primary or secondary school, including a high school or alternative learning center; or

(B) a public or private institution of higher education.

Art. 62(A).152. REGISTRATION OF CERTAIN WORKERS OR STUDENTS. (a) Provides that a person is subject to this subchapter and, except as otherwise provided by this article, to the other subchapters of this chapter if the person:

(1) has a reportable conviction or adjudication;

(2) resides in another state; and

(3) is employed, carries on a vocation, or is a student in this state.

(b) Provides that a person described by Subsection (a) is subject to the registration and verification requirements of Articles 62(A).051 and 62(A).058 and to the change of address requirements of Article 62(A).055, except that the registration and verification and the reporting of a change of address are based on the municipality or county in which the person works or attends school. Provides that the person is subject to the school notification requirements of Articles 62(A).053-62(A).055, except that notice provided to the superintendent and any administrator is based on the public school district in which the person works or attends school.

(c) Provides that a person described by Subsection (a) is not subject to Article 62(A).101.

(d) Provides that the duty to register for a person described by Subsection (a) ends when the person no longer works or studies in this state, provides notice of that fact to the local law enforcement authority in the municipality or county in which the person works or attends school, and receives notice of verification of that fact from the authority. Requires the authority to verify that the person no longer works or studies in this state and to provide to the person notice of that verification within a reasonable time.

(e) Provides that, notwithstanding Subsection (a), this article does not apply to a person who has a reportable conviction or adjudication, who resides in another state, and who is employed, carries on a vocation, or is a student in this state if the person establishes another residence in this state to work or attend school in this state. Provides however, that that person remains subject to the other articles of this chapter based on that person's residence in this state.

Art. 62(A).153. REGISTRATION OF WORKERS OR STUDENTS AT INSTITUTIONS OF HIGHER EDUCATION. (a) Requires a person required to register under Article 62(A).152 or any other provision of this chapter who is employed, carries on a vocation, or is a student at a public or private institution of higher education in this state to, not later than the later of the seventh day after the date on which the person begins to work or attend school or the first date the applicable authority by policy allows the person to register, report that fact to:

(1) the authority for campus security for that institution; or

(2) if an authority for campus security for that institution does not exist, the local law enforcement authority of:

(A) the municipality in which the institution is located; or

(B) the county in which the institution is located, if the institution is not located in a municipality.

(b) Requires a person described by Subsection (a) to provide the authority for campus security or the local law enforcement authority with all information the person is required to provide under Article 62(A).051(c).

(c) Requires a person described by Subsection (a) to notify the authority for campus security or the local law enforcement authority not later than the seventh day after the date of termination of the person's status as a worker or student at the institution.

(d) Requires the authority for campus security or the local law enforcement authority to promptly forward to the administrative office of the institution any information received from the person under this article and any information received from DPS under Article 62(A).005.

(e) Provides that Subsection (a)(2) does not require a person to register with a local law enforcement authority if the person is otherwise required by this chapter to register with that authority.

(f) Provides that this article does not impose the requirements of public notification or notification to public or private primary or secondary schools on:

(1) an authority for campus security; or

(2) a local law enforcement authority, if those requirements relate to a person about whom the authority is not otherwise required by this chapter to make notifications.

SUBCHAPTER E. PROVISIONS APPLICABLE TO PERSONS SUBJECT TO CIVIL COMMITMENT

Art. 62(A).201. ADDITIONAL PUBLIC NOTICE FOR INDIVIDUALS SUBJECT TO CIVIL COMMITMENT. (a) Requires DPS, on receipt of notice under this chapter that a person subject to registration who is civilly committed as an arsonist is due to be released from a penal institution or intends to move to a new residence in this state, to, not later than the seventh day after the date on which the person is released or the seventh day after the date on which the person moves, provide written notice mailed or delivered to at least each address, other than a post office box, within a one-mile radius, in an area that has not been subdivided, or a three-block area, in an area that has been subdivided, of the place where the person intends to reside.

(b) Requires DPS to provide the notice in English and Spanish and to include in the notice any information that is public information under this chapter. Prohibits DPS from including any information that is not public information under this chapter.

(c) Requires DPS to establish procedures for a person with respect to whom notice is provided under this article to pay to DPS all costs incurred by DPS in providing the notice. Requires the person to pay those costs in accordance with the procedures established under this subsection.

(d) Provides that DPS's duty to provide notice under this article in regard to a particular person ends on the date on which a court releases the person from all requirements of the civil commitment process.

Art. 62(A).202. VERIFICATION OF INDIVIDUALS SUBJECT TO COMMITMENT. (a) Requires an individual, if the person subject to registration under this chapter is civilly committed as an arsonist, notwithstanding Article 62(A).058, to report to the local law enforcement authority designated as the person's primary registration authority by DPS not less than once in each 30-day period following the date the person first registered under this chapter to verify the information in the registration form maintained by the authority for that person. Provides that for purposes of this subsection, a person complies with a requirement that the person register within a 30-day period following a date if the person registers at any time on or after the 27th day following that date but before the 33rd day after that date.

(b) Provides that on the date a court releases a person described by Subsection (a) from all requirements of the civil commitment process the person's duty to verify registration as an arsonist is no longer imposed by this article.

Art. 62(A).203. FAILURE TO COMPLY: INDIVIDUALS SUBJECT TO COMMITMENT. (a) Provides that a person commits an offense if the person, after commitment as an arsonist but before the person is released from all requirements of the civil commitment process, fails to comply with any requirement of this chapter.

(b) Provides that an offense under this article is a felony of the second degree.

SUBCHAPTER F. REMOVAL OF REGISTRATION INFORMATION

Art. 62(A).251. REMOVING REGISTRATION INFORMATION WHEN DUTY TO REGISTER EXPIRES. (a) Requires DPS, when a person is no longer required to register as an arsonist under this chapter, to remove all information about the person from the Arson Registration.

(b) Provides that the duty to remove information under Subsection (a) arises if:

(1) DPS has received notice from a local law enforcement authority under Subsection (c) or (d) that the person is no longer required to register or will no longer be required to renew registration and DPS verifies the correctness of that information;

(2) the court having jurisdiction over the case for which registration is required requests removal and DPS determines that the duty to register has expired; or

(3) the person or the person's representative requests removal and DPS determines that the duty to register has expired.

(c) Requires a local law enforcement authority, when a person required to register under this chapter appears before the authority to renew or modify registration information, to determine whether the duty to register has expired. Requires the authority to remove all information about the person from the arson registry and notify DPS that the person's duty to register has expired if the authority determines that the duty to register has expired.

(d) Requires a local law enforcement authority, when a person required to register under this chapter appears before the authority to renew registration information, to determine whether the renewal is the final annual renewal of registration required by law. Requires the authority, if the authority determines that the person's duty to register will expire before the next annual renewal is scheduled, to automatically remove all information about the person from the arson registry on expiration of the duty to register and notify DPS that the information about the person has been removed from the registry.

(e) Requires DPS, when DPS has removed information under Subsection (a), to notify all local law enforcement authorities that have provided registration information to DPS about the person of the removal. Requires a local law enforcement authority that receives notice from DPS under this subsection to remove all registration information about the person from its registry.

(f) Requires DPS, when DPS has removed information under Subsection (a), to notify all public and private agencies or organizations to which it has provided registration information about the person of the removal. Requires the public or private agency or organization, on receiving notice, to remove all registration information about the person from any registry the agency or organization maintains that is accessible to the public with or without charge.

Art. 62(A).355. WAIVER OF HEARING. (a) Authorizes the prosecuting attorney to waive the state's right to a hearing under this subchapter and agree that registration under this chapter is not required. Requires that a waiver under this subsection state whether the waiver is entered under a plea agreement.

(b) Requires the court, if the waiver is entered under a plea agreement, to, without a hearing:

(1) enter an order exempting the respondent from registration under this chapter; or

(2) under Section 54.03(j) (relating to an agreement between the state and the child regarding the disposition of the case), Family Code, inform the respondent that the court believes a hearing under this article is required and give the respondent the opportunity to:

(A) withdraw the respondent's plea of guilty, nolo contendere, or true; or

(B) affirm the respondent's plea and participate in the hearing.

(c) Requires the court to, without a hearing, enter an order exempting the respondent from registration under this chapter if the waiver is entered other than under a plea agreement.

Art. 62(A).356. EFFECT OF CERTAIN ORDERS. (a) Provides that a person who has an adjudication of delinquent conduct that would otherwise be reportable under Article 62(A).001 does not have a reportable adjudication of delinquent conduct for purposes of this chapter if the juvenile court enters an order under this subchapter exempting the person from the registration requirements of this chapter.

(b) Prohibits a respondent from being required to register in this or any other state for the offense for which registration was exempted if the juvenile court enters an order exempting the person from registration under this chapter,

Art. 62(A).357. APPEAL OF CERTAIN ORDERS. (a) Authorizes the prosecuting attorney, on entry by a juvenile court of an order under Article 62(A).352(a) exempting a respondent from registration under this chapter, to appeal that order by giving notice of appeal within the time required under Rule 26.2(b) (relating to the state filing a notice of appeal), Texas Rules of Appellate Procedure, notwithstanding Section 56.01 (Right to Appeal), Family Code. Provides that the appeal is civil and the standard of review in the appellate court is whether the juvenile court committed procedural error or abused its discretion in exempting the respondent from registration under this chapter. Provides that the appeal is limited to review of the order exempting the respondent from registration under this chapter and prohibits the appeal from including any other issues in the case.

(b) Authorizes a respondent to under Section 56.01, Family Code, appeal a juvenile court's order under Article 62(A).352(a) requiring registration in the same manner as the appeal of any other legal issue in the case. Provides that the standard of review in the appellate court is whether the juvenile court committed procedural error or abused its discretion in requiring registration.

SECTION 2. EFFECTIVE DATE. Effective date: upon passage or on the ninety-first day after the last day of the legislative session in which it is enacted.