

By: Huberty

H.B. No. 3598

A BILL TO BE ENTITLED

AN ACT

relating to the criminal registration procedure for a convicted arsonist.

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

SECTION 1. Section 62(A).001 Code of Criminal Procedure, is amended to read as follows:

TITLE 1. CODE OF CRIMINAL PROCEDURE

CHAPTER 62(A).001 ARSONIST REGISTRATION PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Art. 62(A).001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of Public Safety.

(2) "Local law enforcement authority" means, as applicable, the chief of police of a municipality, the sheriff of a county in this state, or a centralized registration authority.

(3) "Penal institution" means a confinement facility operated by or under a contract with any division of the Texas Department of Criminal Justice, a confinement facility operated by or under contract with the Texas Youth Commission, or a juvenile secure pre-adjudication or post-adjudication facility operated by or under a local juvenile probation department, or a county jail.

(4) "Released" means discharged, paroled, placed in a nonsecure community program for juvenile offenders, or placed on juvenile probation, community supervision, or mandatory

1 supervision.

2 (5) "Reportable conviction or adjudication" means a
3 conviction or adjudication, including an adjudication of
4 delinquent conduct or a deferred adjudication, that, regardless of
5 the pendency of an appeal, is a conviction for or an adjudication
6 for or based on Texas Penal Code:

7 Sec. 28.02. ARSON. (a) A person commits an offense if the
8 person starts a fire, regardless of when the fire continues after
9 ignition, or causes an explosion with intent to destroy or damage:

10 (1) any vegetation, fence, or structure on open-space
11 land; or

12 (2) any building, habitation, or vehicle:

13 (A) knowing that it is within the limits of an
14 incorporated city or town;

15 (B) knowing that it is insured against damage or
16 destruction;

17 (C) knowing that it is subject to a mortgage or
18 other security interest;

19 (D) knowing that it is located on property
20 belonging to another;

21 (E) knowing that it has located within it
22 property belonging to another; or

23 (F) when the person is reckless about whether the
24 burning or explosion will endanger the life of some individual or
25 the safety of the property of another.

26 (a-1) A person commits an offense if the person recklessly
27 starts a fire or causes an explosion while manufacturing or

1 attempting to manufacture a controlled substance and the fire or
2 explosion damages any building, habitation, or vehicle.

3 (b) It is an exception to the application of Subsection
4 (a)(1) that the fire or explosion was a part of the controlled
5 burning of open-space land.

6 (c) It is a defense to prosecution under Subsection
7 (a)(2)(A) that prior to starting the fire or causing the explosion,
8 the actor obtained a permit or other written authorization granted
9 in accordance with a city ordinance, if any, regulating fires and
10 explosions.

11 (d) An offense under Subsection (a) is a felony of the
12 second degree, except that the offense is a felony of the first
13 degree if it is shown on the trial of the offense that:

14 (1) bodily injury or death was suffered by any person
15 by reason of the commission of the offense; or

16 (2) the property intended to be damaged or destroyed
17 by the actor was a habitation or a place of assembly or worship.

18 (e) An offense under Subsection (a-1) is a state jail
19 felony, except that the offense is a felony of the third degree if
20 it is shown on the trial of the offense that bodily injury or death
21 was suffered by any person by reason of the commission of the
22 offense.

23 (f) It is a felony of the third degree if a person commits an
24 offense under Subsection (a)(2) of this section and the person
25 intentionally starts a fire in or on a building, habitation, or
26 vehicle, with intent to damage or destroy property belonging to
27 recklessly causes damage to the building, habitation, or vehicle.

1 (g) If conduct that constitutes an offense under Subsection
2 (a-1) or that constitutes an offense under Subsection (f) also
3 constitutes an offense under another subsection of this section or
4 another section of this code, the actor may be prosecuted under
5 Subsection (a-1) or Subsection (f), under the other subsection of
6 this section, or under the other section of this code.

7 (H) a violation of the laws of another state,
8 federal law, the laws of a foreign country, or the Uniform Code of
9 Military Justice for or based on the violation of an offense
10 containing elements that are substantially similar to the elements
11 of an offense listed under Paragraph (A), (B), (C), (D), (E), (F)
12 and (H), but not if the violation results in a deferred
13 adjudication;

14 (I) the second violation of the laws of another
15 state, federal law, the laws of a foreign country, or the Uniform
16 Code of Military Justice for or based on the violation of an offense
17 containing elements that are substantially similar to the elements
18 of the offense of indecent exposure, but not if the second violation
19 results in a deferred adjudication; or

20 (J) a violation of Section 28.02 Penal Code.

21 (6) "Convicted Arsonist" means any of the following
22 offenses committed by a person 17 years of age or older:

23 (A) an offense under Section Penal Code;

24 (B) an offense (E) an offense under the laws of
25 another state, federal law, the laws of a foreign country, or the
26 Uniform Code of Military Justice if the offense contains elements
27 that are substantially similar to the elements of an offense listed

1 under Paragraph (A), (B), (C), or (D).

2 (7) "Residence" includes a residence established in
3 this state by a person described by Article 62.152(e).

4 (8) "Public or private institution of higher
5 education" includes a college, university, community college, or
6 technical or trade institute.

7 (9) "Authority for campus security" means the
8 authority with primary law enforcement jurisdiction over property
9 under the control of a public or private institution of higher
10 education, other than a local law enforcement authority.

11 (10) "Extrajurisdictional registrant" means a person
12 who:

13 (A) is required to register as an Arsonist under:

14 (i) the laws of another state with which the
15 department has entered into a reciprocal registration agreement;

16 (ii) federal law or the Uniform Code of
17 Military Justice; or

18 (iii) the laws of a foreign country; and

19 (B) is not otherwise required to register under
20 this chapter because:

21 (i) the person does not have a reportable
22 conviction for an offense under the laws of the other state, federal
23 law, the laws of the foreign country, or the Uniform Code of
24 Military Justice containing elements that are substantially
25 similar to the elements of an offense requiring registration under
26 this chapter; or

27 (ii) the person does not have a reportable

1 adjudication of delinquent conduct based on a violation of an
2 offense under the laws of the other state, federal law, or the laws
3 of the foreign country containing elements that are substantially
4 similar to the elements of an offense requiring registration under
5 this chapter.

6 (11) "Centralized registration authority" means a
7 mandatory countywide registration location designated under
8 Article (A) 62.0045.

9 (11) "Online identifier" means electronic mail
10 address information or a name used by a person when sending or
11 receiving an instant message, social networking communication, or
12 similar Internet communication or when participating in an Internet
13 chat. The term includes an assumed name, nickname, pseudonym,
14 moniker, or user name established by a person for use in connection
15 with an electronic mail address, chat or instant chat room
16 platform, commercial social networking site, or online
17 picture-sharing service.

18 Art. 62(A).002. APPLICABILITY OF CHAPTER. (a) This
19 chapter applies only to a reportable conviction or adjudication
20 occurring on or after September 1, 2000.

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

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

1 (2) a pardon of the conviction or adjudication.

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

9 Art. 62(A).003. DETERMINATION REGARDING SUBSTANTIALLY
10 SIMILAR ELEMENTS OF OFFENSE. (a) For the purposes of this chapter,
11 the department is responsible for determining whether an offense
12 under the laws of another state, federal law, the laws of a foreign
13 country, or the Uniform Code of Military Justice contains elements
14 that are substantially similar to the elements of an offense under
15 the laws of this state.

16 (b) The department annually shall provide or make available
17 to each prosecuting attorney's office in this state:

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

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

26 (c) An appeal of a determination made under this article
27 shall be brought in a district court in Travis County.

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

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

16 (b) The department shall notify each person subject to
17 registration under this chapter of the person's primary
18 registration authority in a timely manner.

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

26 (b) Notwithstanding any other provision of this chapter, a
27 person who is subject to this chapter shall register under Article

1 (A) 62.051 or verify registration under Article (A) 62.058 only
2 with the centralized registration authority for the county,
3 regardless of whether the person resides in any municipality
4 located in that county. If the person resides in a municipality, and
5 the local law enforcement authority in the municipality does not
6 serve as the person's centralized registration authority, the
7 centralized registration authority, not later than the third day
8 after the date the person registers or verifies registration with
9 that authority, shall provide to the local law enforcement
10 authority in that municipality notice of the person's registration
11 or verification of registration, as applicable, with the
12 centralized registration authority.

13 Art. 62(A).005. CENTRAL DATABASE; PUBLIC INFORMATION. (a)
14 The department shall maintain a computerized central database
15 containing the information required for registration under this
16 chapter. The department may include in the computerized central
17 database the numeric risk level assigned to a person under this
18 chapter.

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

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

25 (2) that is described by Article (A) 62.051(c)(7) or
26 required by the department under Article (A) 62.051(c)(8); or

27 (3) that would identify the county of the offense for

1 which the person is subject to registration.

2 (c) Notwithstanding Chapter 730, Transportation Code, the
3 department shall maintain in the database, and shall post on any
4 department website related to the database, any photograph of the
5 person that is available through the process for obtaining or
6 renewing a personal identification certificate or driver's license
7 under Section 521.103 or 521.272, Transportation Code. The
8 department shall update the photograph in the database and on the
9 website annually or as the photograph otherwise becomes available
10 through the renewal process for the certificate or license.

11 (d) A local law enforcement authority shall release public
12 information described under Subsection (b) to any person who
13 requests the information from the authority. The authority may
14 charge the person a fee not to exceed the amount reasonably
15 necessary to cover the administrative costs associated with the
16 authority's release of information to the person under this
17 subsection.

18 (e) The department shall provide a licensing authority with
19 notice of any person required to register under this chapter who
20 holds or seeks a license that is issued by the authority. The
21 department shall provide the notice required by this subsection as
22 the applicable licensing information becomes available through the
23 person's registration or verification of registration.

24 (f) On the written request of a licensing authority that
25 identifies an individual and states that the individual is an
26 applicant for or a holder of a license issued by the authority, the
27 department shall release any information described by Subsection

1 (a) to the licensing authority.

2 (g) For the purposes of Subsections (e) and (f):

3 (1) "License" means a license, certificate,
4 registration, permit, or other authorization that:

5 (A) is issued by a licensing authority; and

6 (B) a person must obtain to practice or engage in
7 a particular business, occupation, or profession.

8 (2) "Licensing authority" means a department,
9 commission, board, office, or other agency of the state or a
10 political subdivision of the state that issues a license.

11 (h) Not later than the third day after the date on which the
12 applicable information becomes available through the person's
13 registration or verification of registration or under Article (A)
14 62.058, the department shall send notice of any person required to
15 register under this chapter who is or will be employed, carrying on
16 a vocation, or a student at a public or private institution of
17 higher education in this state to:

18 (1) for an institution in this state:

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

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

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

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

27 (2) for an institution in another state, any existing

1 authority for campus security at that institution.

2 (i) On the written request of an institution of higher
3 education described by Subsection (h) that identifies an individual
4 and states that the individual has applied to work or study at the
5 institution, the department shall release any information
6 described by Subsection (a) to the institution.

7 (j) The department, for law enforcement purposes, shall
8 release all relevant information described by Subsection (a),
9 including information that is not public information under
10 Subsection (b), to a peace officer, an employee of a local law
11 enforcement authority, or the attorney general on the request of
12 the applicable person or entity.

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

24 Art. 62(A).008. GENERAL IMMUNITY. The following persons are
25 immune from liability for good faith conduct under this chapter:

26 (1) an employee or officer of the Texas Department of
27 Criminal Justice, the Texas Youth Commission, the Texas Juvenile

1 Probation Commission, the Department of Public Safety, the Board of
2 Pardons and Paroles, or a local law enforcement authority;

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

5 (3) a member of the judiciary;

6 Art. 62(A).009. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION.

7 (a) The department, a penal institution, a local law enforcement
8 authority, or an authority for campus security may release to the
9 public information regarding a person required to register under
10 this chapter only if the information is public information under
11 this chapter.

12 (b) An individual, agency, entity, or authority is not
13 liable under Chapter 101, Civil Practice and Remedies Code, or any
14 other law for damages arising from conduct authorized by Subsection
15 (a).

16 (c) For purposes of determining liability, the release or
17 withholding of information by an appointed or elected officer of an
18 agency, entity, or authority is a discretionary act.

19 (d) A private primary or secondary school, public or private
20 institution of higher education, or administrator of a private
21 primary or secondary school or public or private institution of
22 higher education may release to the public information regarding a
23 person required to register under this chapter only if the
24 information is public information under this chapter and is
25 released to the administrator under Section 28.02. A private
26 primary or secondary school, public or private institution of
27 higher education, or administrator of a private primary or

1 secondary school or public or private institution of higher
2 education is not liable under any law for damages arising from
3 conduct authorized by this subsection.

4 Art. 62(A).010. RULEMAKING AUTHORITY. The Texas Department
5 of Criminal Justice, the Texas Youth Commission, the Texas Juvenile
6 Probation Commission, and the department may adopt any rule
7 necessary to implement this chapter.

8 SUBCHAPTER B. REGISTRATION AND VERIFICATION REQUIREMENTS; RELATED
9 NOTICE

10 Art. 62(A).051. REGISTRATION: GENERAL. (a) A person who has
11 a reportable conviction or adjudication or who is required to
12 register as a condition of parole, release to mandatory
13 supervision, or community supervision shall register or, if the
14 person is a person for whom registration is completed under this
15 chapter, verify registration as provided by Subsection (f), with
16 the local law enforcement authority in any municipality where the
17 person resides or intends to reside for more than seven days. If the
18 person does not reside or intend to reside in a municipality, the
19 person shall register or verify registration in any county where
20 the person resides or intends to reside for more than seven days.
21 The person shall satisfy the requirements of this subsection not
22 later than the later of:

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

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

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

6 (c) The registration form shall require:

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

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

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

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

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

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

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

2 (c) The registration form shall require:

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

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

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

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

16 (5) an indication of each license, as defined by
17 Article 62(A).005(g), that is held or sought by the person;

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

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

24 (8) any other information required by the department.

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

1 (e) Not later than the third day after a person's
2 registering, the local law enforcement authority with whom the
3 person registered shall send a copy of the registration form to the
4 department and, if the person resides on the campus of a public or
5 private institution of higher education, to any authority for
6 campus security for that institution.

7 (f) Not later than the seventh day after the date on which
8 the person is released, a person for whom registration is completed
9 under this chapter shall report to the applicable local law
10 enforcement authority to verify the information in the registration
11 form received by the authority under this chapter. The authority
12 shall require the person to produce proof of the person's identity
13 and residence before the authority gives the registration form to
14 the person for verification. If the information in the registration
15 form is complete and accurate, the person shall verify registration
16 by signing the form. If the information is not complete or not
17 accurate, the person shall make any necessary additions or
18 corrections before signing the form.

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

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

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

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

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

26 (j) If a person subject to registration under this chapter
27 is released from a penal institution without being released to

1 parole or placed on any other form of supervision and the person
2 does not move to the address indicated on the registration form as
3 the person's intended residence or does not indicate an address on
4 the registration form, the person shall, not later than the seventh
5 day after the date on which the person is released:

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

12 (2) until the person indicates the person's current
13 address as the person's intended residence on the registration form
14 or otherwise complies with the requirements of Article 62(A).055,
15 as appropriate, continue to report, in the manner required by
16 Subdivision (1), to that authority not less than once in each
17 succeeding 30-day period and provide that authority with the
18 address at which the person is residing or, if applicable, a
19 detailed description of the geographical location of the person's
20 residence.

21 (k) A person required to register under this chapter may not
22 refuse or otherwise fail to provide any information required for
23 the accurate completion of the registration form.

24 Art. 62(A).052. REGISTRATION: EXTRAJURISDICTIONAL
25 REGISTRANTS. (a) An extrajurisdictional registrant is required to
26 comply with the annual verification requirements of Article
27 62(A).058 in the same manner as a person who is required to verify

1 registration on the basis of a reportable conviction or
2 adjudication.

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

8 (c) The department may negotiate and enter into a reciprocal
9 registration agreement with any other state to prevent residents of
10 this state and residents of the other state from frustrating the
11 public purpose of the registration of arsonists by moving from one
12 state to the other.

13 Art. 62(A).053. PRERELEASE NOTIFICATION. (a) Before a
14 person who will be subject to registration under this chapter is due
15 to be released from a penal institution. Before releasing the
16 person, an official of the penal institution shall:

17 (1) inform the person that:

18 (A) not later than the later of the seventh day
19 after the date on which the person is released or after the date on
20 which the person moves from a previous residence to a new residence
21 in this state or not later than the first date the applicable local
22 law enforcement authority by policy allows the person to register
23 or verify registration, the person must register or verify
24 registration with the local law enforcement authority in the
25 municipality or county in which the person intends to reside;

26 (B) not later than the seventh day after the date
27 on which the person is released or the date on which the person

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

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

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

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

27 (F) the person must notify appropriate entities

1 of any change in status as described by Article 62(A).057;

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

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

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

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

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

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

27 (d) If a person who has a reportable conviction described by

1 Article 28.02 Penal Code is placed under the supervision of the
2 parole division of the Texas Department of Criminal Justice or a
3 community supervision and corrections department under Section
4 510.017, Government Code, the division or community supervision and
5 corrections department shall conduct the prerelease notification
6 and registration requirements specified in this article on the date
7 the person is placed under the supervision of the division or
8 community supervision and corrections department. If a person who
9 has a reportable adjudication of delinquent conduct described by
10 Article 62(A).001(5)(H) or (I) is, as permitted by Section 60.002,
11 Family Code, placed under the supervision of the Texas Youth
12 Commission, a public or private vendor operating under contract
13 with the Texas Youth Commission, a local juvenile probation
14 department, or a juvenile secure pre-adjudication or
15 post-adjudication facility, the commission, vendor, probation
16 department, or facility shall conduct the prerelease notification
17 and registration requirements specified in this article on the date
18 the person is placed under the supervision of the commission,
19 vendor, probation department, or facility.

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

24 Art. 62(A).055. CHANGE OF ADDRESS; LACK OF ADDRESS. (a) If a
25 person required to register under this chapter intends to change
26 address, regardless of whether the person intends to move to
27 another state, the person shall, not later than the seventh day

1 before the intended change, report in person to the local law
2 enforcement authority designated as the person's primary
3 registration authority by the department and to the juvenile
4 probation officer, community supervision and corrections
5 department officer, or parole officer supervising the person and
6 provide the authority and the officer with the person's anticipated
7 move date and new address. If a person required to register changes
8 address, the person shall, not later than the later of the seventh
9 day after changing the address or the first date the applicable
10 local law enforcement authority by policy allows the person to
11 report, report in person to the local law enforcement authority in
12 the municipality or county in which the person's new residence is
13 located and provide the authority with proof of identity and proof
14 of residence.

15 (b) Not later than the third day after receipt of notice
16 under Subsection (a), the person's juvenile probation officer,
17 community supervision and corrections department officer, or
18 parole officer shall forward the information provided under
19 Subsection (a) to the local law enforcement authority designated as
20 the person's primary registration authority by the department and,
21 if the person intends to move to another municipality or county in
22 this state, to the applicable local law enforcement authority in
23 that municipality or county.

24 (c) If the person moves to another state that has a
25 registration requirement for convicted arsonists, the person
26 shall, not later than the 10th day after the date on which the
27 person arrives in the other state, register with the law

1 enforcement agency that is identified by the department as the
2 agency designated by that state to receive registration
3 information.

4 (d) Not later than the third day after receipt of
5 information under Subsection (a) or (b), whichever is earlier, the
6 local law enforcement authority shall forward this information to
7 the department and, if the person intends to move to another
8 municipality or county in this state, to the applicable local law
9 enforcement authority in that municipality or county.

10 (e) If a person who reports to a local law enforcement
11 authority under Subsection (a) does not move on or before the
12 anticipated move date or does not move to the new address provided
13 to the authority, the person shall:

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

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

25 (f) If the person moves to another municipality or county in
26 this state, the department shall inform the applicable local law
27 enforcement authority in the new area of the person's residence not

1 later than the third day after the date on which the department
2 receives information under Subsection (a). Not later than the
3 eighth day after the date on which the local law enforcement
4 authority is informed under Subsection (a) or under this
5 subsection, the authority shall verify the basis on which the
6 person is subject to registration under this chapter.

7 Art. 62(A).057. STATUS REPORT BY SUPERVISING OFFICER OR
8 LOCAL LAW ENFORCEMENT AUTHORITY. (a) If the juvenile probation
9 officer, community supervision and corrections department officer,
10 or parole officer supervising a person subject to registration
11 under this chapter receives information to the effect that the
12 person's status has changed in any manner that affects proper
13 supervision of the person, including a change in the person's name,
14 online identifiers, physical health, job or educational status,
15 including higher educational status, incarceration, or terms of
16 release, the supervising officer shall promptly notify the
17 appropriate local law enforcement authority or authorities of that
18 change. If the person required to register intends to change
19 address, the supervising officer shall notify the local law
20 enforcement authorities designated by Article 62(A).055(b). Not
21 later than the seventh day after the date the supervising officer
22 receives the relevant information, the supervising officer shall
23 notify the local law enforcement authority of any change in the
24 person's job or educational status in which the person:

25 (1) becomes employed, begins to carry on a vocation,
26 or becomes a student at a particular public or private institution
27 of higher education; or

1 (2) terminates the person's status in that capacity.

2 (b) Not later than the later of the seventh day after the
3 date of the change or the first date the applicable authority by
4 policy allows the person to report, a person subject to
5 registration under this chapter shall report to the local law
6 enforcement authority designated as the person's primary
7 registration authority by the department any change in the person's
8 name, online identifiers, physical health, or job or educational
9 status, including higher educational status.

10 (c) For purposes of Subsection (b):

11 (1) a person's job status changes if the person leaves
12 employment for any reason, remains employed by an employer but
13 changes the location at which the person works, or begins
14 employment with a new employer;

15 (2) a person's health status changes if the person is
16 hospitalized as a result of an illness;

17 (3) a change in a person's educational status includes
18 the person's transfer from one educational facility to another; and

19 (4) regarding a change of name, notice of the proposed
20 name provided to a local law enforcement authority as described by
21 Sections 45.004 and 45.103, Family Code, is sufficient, except that
22 the person shall promptly notify the authority of any denial of the
23 person's petition for a change of name.

24 (d) Not later than the seventh day after the date the local
25 law enforcement authority receives the relevant information, the
26 local law enforcement authority shall notify the department of any
27 change in the person's job or educational status in which the

1 person:

2 (1) becomes employed, begins to carry on a vocation,
3 or becomes a student at a particular public or private institution
4 of higher education; or

5 (2) terminates the person's status in that capacity.

6 Art. 62(A).058. LAW ENFORCEMENT VERIFICATION OF
7 REGISTRATION INFORMATION. (a) A person subject to registration
8 under this chapter who has for an arson offense been convicted two
9 or more times, received an order of deferred adjudication two or
10 more times, or been convicted and received an order of deferred
11 adjudication shall report to the local law enforcement authority
12 designated as the person's primary registration authority by the
13 department not less than once in each 90-day period following the
14 date the person first registered under this chapter to verify the
15 information in the registration form maintained by the authority
16 for that person. A person subject to registration under this
17 chapter who is not subject to the 90-day reporting requirement
18 described by this subsection shall report to the local law
19 enforcement authority designated as the person's primary
20 registration authority by the department once each year not earlier
21 than the 30th day before and not later than the 30th day after the
22 anniversary of the person's date of birth to verify the information
23 in the registration form maintained by the authority for that
24 person. For purposes of this subsection, a person complies with a
25 requirement that the person register within a 90-day period
26 following a date if the person registers at any time on or after the
27 83rd day following that date but before the 98th day after that

1 date.

2 (b) A local law enforcement authority designated as a
3 person's primary registration authority by the department may
4 direct the person to report to the authority to verify the
5 information in the registration form maintained by the authority
6 for that person. The authority may direct the person to report under
7 this subsection once in each 90-day period following the date the
8 person first registered under this chapter, if the person is
9 required to report not less than once in each 90-day period under
10 Subsection (a) or once in each year not earlier than the 30th day
11 before and not later than the 30th day after the anniversary of the
12 person's date of birth, if the person is required to report once
13 each year under Subsection (a). A local law enforcement authority
14 may not direct a person to report to the authority under this
15 subsection if the person is required to report under Subsection (a)
16 and is in compliance with the reporting requirements of that
17 subsection.

18 (c) A local law enforcement authority with whom a person
19 reports under this article shall require the person to produce
20 proof of the person's identity and residence before the authority
21 gives the registration form to the person for verification. If the
22 information in the registration form is complete and accurate, the
23 person shall verify registration by signing the form. If the
24 information is not complete or not accurate, the person shall make
25 any necessary additions or corrections before signing the form.

26 (d) A local law enforcement authority designated as a
27 person's primary registration authority by the department may at

1 any time mail a nonforwardable verification form to the last
2 reported address of the person. Not later than the 21st day after
3 receipt of a verification form under this subsection, the person
4 shall:

5 (1) indicate on the form whether the person still
6 resides at the last reported address and, if not, provide on the
7 form the person's new address;

8 (2) complete any other information required by the
9 form;

10 (3) sign the form; and

11 (4) return the form to the authority.

12 (e) For purposes of this article, a person receives multiple
13 convictions or orders of deferred adjudication regardless of
14 whether:

15 (1) the judgments or orders are entered on different
16 dates; or

17 (2) the offenses for which the person was convicted or
18 placed on deferred adjudication arose out of different criminal
19 transactions.

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

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

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

4 (b) A person described by Subsection (a) shall provide the
5 local law enforcement authority with:

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

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

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

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

17 Art. 62(A).060. REQUIREMENTS RELATING TO DRIVER'S LICENSE
18 OR PERSONAL IDENTIFICATION CERTIFICATE. (a) A person subject to
19 registration under this chapter shall apply to the department in
20 person for the issuance of, as applicable, an original or renewal
21 driver's license under Section 521.272, Transportation Code, an
22 original or renewal personal identification certificate under
23 Section 521.103, Transportation Code, or an original or renewal
24 commercial driver's license or commercial driver learner's permit
25 under Section 522.033, Transportation Code, not later than the 30th
26 day after the date:

27 (1) the person is released from a penal institution or

1 is released by a court on community supervision or juvenile
2 probation; or

3 (2) the department sends written notice to the person
4 of the requirements of this article.

5 (b) The person shall annually renew in person each driver's
6 license or personal identification certificate issued by the
7 department to the person, including each renewal, duplicate, or
8 corrected license or certificate, until the person's duty to
9 register under this chapter expires.

10 Art. 62.061. DNA SPECIMEN. A person required to register
11 under this chapter shall comply with a request for a DNA specimen
12 made by a law enforcement agency under Section 411.1473, Government
13 Code.

14 Art. 62(A).062. LIMITATION ON NEWSPAPER PUBLICATION. (a)
15 Except as provided by Subsection (b), a local law enforcement
16 authority may not publish notice in a newspaper or other periodical
17 or circular concerning a person's registration under this chapter
18 if the only basis on which the person is subject to registration is
19 one or more adjudications of delinquent conduct.

20 SUBCHAPTER C. EXPIRATION OF DUTY TO REGISTER; GENERAL
21 PENALTIES FOR NONCOMPLIANCE

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

27 (1) an arson offense;

1 (2) an offense under Section 28.02, Penal Code;

2 (3) an offense under Section 28.02 Penal Code, the
3 person receives or has received another reportable conviction or
4 adjudication, other than an adjudication of delinquent conduct, for
5 an offense or conduct that requires registration under this
6 chapter;

7 (4) an offense under Section 28.02 Penal Code, if:

8 (A) the judgment in the case contains an
9 affirmative finding under Article; and

10 (B) before or after the person is convicted or
11 adjudicated for the offense under Penal Code, the person receives
12 or has received another reportable conviction or adjudication,
13 other than an adjudication of delinquent conduct, for an offense or
14 conduct that requires registration under this chapter; or

15 (b) Except as provided by Subchapter I, the duty to register
16 for a person otherwise subject to Subsection (a) ends on the 10th
17 anniversary of the date on which the person is released from a penal
18 institution or discharges community supervision or the court
19 dismisses the criminal proceedings against the person and
20 discharges the person, whichever date is later, if the person's
21 duty to register is based on a conviction or an order of deferred
22 adjudication in a cause that was transferred to a district court or
23 criminal district court under Section 54.02, Family Code.

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

27 (1) if the person's duty to register is based on an

1 adjudication of delinquent conduct, on the 10th anniversary of the
2 date on which the disposition is made or the person completes the
3 terms of the disposition, whichever date is later; or

4 (2) if the person's duty to register is based on a
5 conviction or on an order of deferred adjudication, on the 10th
6 anniversary of the date on which the court dismisses the criminal
7 proceedings against the person and discharges the person, the
8 person is released from a penal institution, or the person
9 discharges community supervision, whichever date is later.

10 Art. 62(A).102. FAILURE TO COMPLY WITH REGISTRATION
11 REQUIREMENTS. (a) A person commits an offense if the person is
12 required to register and fails to comply with any requirement of
13 this chapter.

14 (b) An offense under this article is:

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

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

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

25 (c) If it is shown at the trial of a person for an offense or
26 an attempt to commit an offense under this article that the person
27 has previously been convicted of an offense or an attempt to commit

1 an offense under this article, the punishment for the offense or the
2 attempt to commit the offense is increased to the punishment for the
3 next highest degree of felony.

4 SUBCHAPTER D. PROVISIONS APPLICABLE TO CERTAIN WORKERS AND STUDENTS

5 Art. 62(A).151. DEFINITIONS. For purposes of this
6 subchapter, a person:

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

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

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

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

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

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

23 (1) has a reportable conviction or adjudication;

24 (2) resides in another state; and

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

27 (b) A person described by Subsection (a) is subject to the

1 registration and verification requirements of Articles 62(A).051
2 and 62(A).058 and to the change of address requirements of Article
3 62(A).055, except that the registration and verification and the
4 reporting of a change of address are based on the municipality or
5 county in which the person works or attends school. The person is
6 subject to the school notification requirements of Articles
7 62(A).053-62(A).055, except that notice provided to the
8 superintendent and any administrator is based on the public school
9 district in which the person works or attends school.

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

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

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

27 Art. 62(A).153. REGISTRATION OF WORKERS OR STUDENTS AT

1 INSTITUTIONS OF HIGHER EDUCATION. (a) Not later than the later of
2 the seventh day after the date on which the person begins to work or
3 attend school or the first date the applicable authority by policy
4 allows the person to register, a person required to register under
5 Article 62(A).152 or any other provision of this chapter who is
6 employed, carries on a vocation, or is a student at a public or
7 private institution of higher education in this state shall report
8 that fact to:

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

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

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

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

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

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

26 (d) The authority for campus security or the local law
27 enforcement authority shall promptly forward to the administrative

1 office of the institution any information received from the person
2 under this article and any information received from the department
3 under Article 62(A).005.

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

7 (f) This article does not impose the requirements of public
8 notification or notification to public or private primary or
9 secondary schools on:

10 (1) an authority for campus security; or

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

14 SUBCHAPTER E. PROVISIONS APPLICABLE TO PERSONS SUBJECT TO CIVIL
15 COMMITMENT

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

1 (b) The department shall provide the notice in English and
2 Spanish and shall include in the notice any information that is
3 public information under this chapter. The department may not
4 include any information that is not public information under this
5 chapter.

6 (c) The department shall establish procedures for a person
7 with respect to whom notice is provided under this article to pay to
8 the department all costs incurred by the department in providing
9 the notice. The person shall pay those costs in accordance with the
10 procedures established under this subsection.

11 (d) The department's duty to provide notice under this
12 article in regard to a particular person ends on the date on which a
13 court releases the person from all requirements of the civil
14 commitment process.

15 Art. 62(A).202. VERIFICATION OF INDIVIDUALS SUBJECT TO
16 COMMITMENT. (a) Notwithstanding Article 62(A).058, if an
17 individual subject to registration under this chapter is civilly
18 committed as an arsonist, the person shall report to the local law
19 enforcement authority designated as the person's primary
20 registration authority by the department not less than once in each
21 30-day period following the date the person first registered under
22 this chapter to verify the information in the registration form
23 maintained by the authority for that person. For purposes of this
24 subsection, a person complies with a requirement that the person
25 register within a 30-day period following a date if the person
26 registers at any time on or after the 27th day following that date
27 but before the 33rd day after that date.

1 (b) On the date a court releases a person described by
2 Subsection (a) from all requirements of the civil commitment
3 process:

4 (1) the person's duty to verify registration as an
5 arsonist is no longer imposed by this article;

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

11 (b) An offense under this article is a felony of the second
12 degree.

13 SUBCHAPTER F. REMOVAL OF REGISTRATION INFORMATION

14 Art. 62(A).251. REMOVING REGISTRATION INFORMATION WHEN
15 DUTY TO REGISTER EXPIRES. (a) When a person is no longer required to
16 register as an arsonist under this chapter, the department shall
17 remove all information about the person from the Arson
18 Registration.

19 (b) The duty to remove information under Subsection (a)
20 arises if:

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

26 (2) the court having jurisdiction over the case for
27 which registration is required requests removal and the department

1 determines that the duty to register has expired; or

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

5 (c) When a person required to register under this chapter
6 appears before a local law enforcement authority to renew or modify
7 registration information, the authority shall determine whether
8 the duty to register has expired. If the authority determines that
9 the duty to register has expired, the authority shall remove all
10 information about the person from the arson registry and notify the
11 department that the person's duty to register has expired.

12 (d) When a person required to register under this chapter
13 appears before a local law enforcement authority to renew
14 registration information, the authority shall determine whether
15 the renewal is the final annual renewal of registration required by
16 law. If the authority determines that the person's duty to register
17 will expire before the next annual renewal is scheduled, the
18 authority shall automatically remove all information about the
19 person from the arson registry on expiration of the duty to register
20 and notify the department that the information about the person has
21 been removed from the registry.

22 (e) When the department has removed information under
23 Subsection (a), the department shall notify all local law
24 enforcement authorities that have provided registration
25 information to the department about the person of the removal. A
26 local law enforcement authority that receives notice from the
27 department under this subsection shall remove all registration

1 information about the person from its registry.

2 (f) When the department has removed information under
3 Subsection (a), the department shall notify all public and private
4 agencies or organizations to which it has provided registration
5 information about the person of the removal. On receiving notice,
6 the public or private agency or organization shall remove all
7 registration information about the person from any registry the
8 agency or organization maintains that is accessible to the public
9 with or without charge.

10 Art. 62(A).355. WAIVER OF HEARING. (a) The prosecuting
11 attorney may waive the state's right to a hearing under this
12 subchapter and agree that registration under this chapter is not
13 required. A waiver under this subsection must state whether the
14 waiver is entered under a plea agreement.

15 (b) If the waiver is entered under a plea agreement, the
16 court, without a hearing, shall:

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

19 (2) under Section 54.03(j), Family Code, inform the
20 respondent that the court believes a hearing under this article is
21 required and give the respondent the opportunity to:

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

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

26 (c) If the waiver is entered other than under a plea
27 agreement, the court, without a hearing, shall enter an order

1 exempting the respondent from registration under this chapter.

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

8 (b) If the juvenile court enters an order exempting a person
9 from registration under this chapter, the respondent may not be
10 required to register in this or any other state for the offense for
11 which registration was exempted.

12 Art. 62(A).357. APPEAL OF CERTAIN ORDERS. (a)
13 Notwithstanding Section 56.01, Family Code, on entry by a juvenile
14 court of an order under Article 62(A).352(a) exempting a respondent
15 from registration under this chapter, the prosecuting attorney may
16 appeal that order by giving notice of appeal within the time
17 required under Rule 26.2(b), Texas Rules of Appellate Procedure.
18 The appeal is civil and the standard of review in the appellate
19 court is whether the juvenile court committed procedural error or
20 abused its discretion in exempting the respondent from registration
21 under this chapter. The appeal is limited to review of the order
22 exempting the respondent from registration under this chapter and
23 may not include any other issues in the case.

24 (b) A respondent may under Section 56.01, Family Code,
25 appeal a juvenile court's order under Article 62(A).352(a)
26 requiring registration in the same manner as the appeal of any other
27 legal issue in the case. The standard of review in the appellate

1 court is whether the juvenile court committed procedural error or
2 abused its discretion in requiring registration.

3 SECTION 2. EFFECTIVE DATE. This Act takes effect
4 immediately if it receives a vote of two-thirds of all members
5 elected to each house, as provided by Section 39, Article III, Texas
6 Constitution. If this Act does not receive the vote necessary for
7 immediate effect, the Act takes effect on the ninety-first day
8 after the last day of the legislative session in which it is
9 enacted.