

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Clardy, Springer, Paddie,  
King of Hemphill, Toth, et al.

H.B. No. 1302

### A BILL TO BE ENTITLED

### AN ACT

relating to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for certain sex offenders.

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

SECTION 1. This Act shall be known as Justin's Law.

SECTION 2. Article 42.015, Code of Criminal Procedure, is amended to read as follows:

Art. 42.015. FINDING OF AGE OF VICTIM. (a) In the trial of an offense under Section 20.02, 20.03, or 20.04, Penal Code, or an attempt, conspiracy, or solicitation to commit one of those offenses, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that the victim or intended victim was younger than 17 years of age at the time of the offense.

(b) In the trial of a sexually violent offense, as defined by Article 62.001, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that the victim or intended victim was younger than 14 years of age at the time of the offense.

SECTION 3. Section 5(e), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(e) (1) If a judge places on community supervision under this section a defendant charged with an offense under Section 20.02,

20.03, or 20.04, Penal Code, or an attempt, conspiracy, or solicitation to commit one of those offenses, the judge shall make an affirmative finding of fact and file a statement of that affirmative finding with the papers in the case if the judge determines that the victim or intended victim was younger than 17 years of age at the time of the offense.

(2) If a judge places on community supervision under this section a defendant charged with a sexually violent offense, as defined by Article 62.001, the judge shall make an affirmative finding of fact and file a statement of that affirmative finding with the papers in the case if the judge determines that the victim or intended victim was younger than 14 years of age at the time of the offense.

SECTION 4. Article 62.053(a), Code of Criminal Procedure, is amended to read as follows:

(a) Before a person who will be subject to registration under this chapter is due to be released from a penal institution, the Texas Department of Criminal Justice or the Texas Juvenile Justice Department ~~[Youth Commission]~~ shall determine the person's level of risk to the community using the sex offender screening tool developed or selected under Article 62.007 and assign to the person a numeric risk level of one, two, or three. Before releasing the person, an official of the penal institution shall:

(1) inform the person that:

(A) not later than the later of the seventh day after the date on which the person is released or after the date on which the person moves from a previous residence to a new residence

1 in this state or not later than the first date the applicable local  
2 law enforcement authority by policy allows the person to register  
3 or verify registration, the person must register or verify  
4 registration with the local law enforcement authority in the  
5 municipality or county in which the person intends to reside;

6 (B) not later than the seventh day after the date  
7 on which the person is released or the date on which the person  
8 moves from a previous residence to a new residence in this state,  
9 the person must, if the person has not moved to an intended  
10 residence, report to the applicable entity or entities as required  
11 by Article 62.051(h) or (j) or 62.055(e);

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

19 (D) not later than the 10th day after the date on  
20 which the person arrives in another state in which the person  
21 intends to reside, the person must register with the law  
22 enforcement agency that is identified by the department as the  
23 agency designated by that state to receive registration  
24 information, if the other state has a registration requirement for  
25 sex offenders;

26 (E) not later than the 30th day after the date on  
27 which the person is released, the person must apply to the

1 department in person for the issuance of an original or renewal  
2 driver's license or personal identification certificate and a  
3 failure to apply to the department as required by this paragraph  
4 results in the automatic revocation of any driver's license or  
5 personal identification certificate issued by the department to the  
6 person; ~~and~~

7 (F) the person must notify appropriate entities  
8 of any change in status as described by Article 62.057; and

9 (G) certain types of employment are prohibited  
10 under Article 62.063 for a person with a reportable conviction or  
11 adjudication for a sexually violent offense involving a victim  
12 younger than 14 years of age occurring on or after September 1,  
13 2013;

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

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

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

24 SECTION 5. Article 62.058, Code of Criminal Procedure, is  
25 amended by adding Subsection (f) to read as follows:

26 (f) A local law enforcement authority that provides to a  
27 person subject to the prohibitions described by Article 62.063 a

1 registration form for verification as required by this chapter  
2 shall include with the form a statement summarizing the types of  
3 employment that are prohibited for that person.

4 SECTION 6. Subchapter B, Chapter 62, Code of Criminal  
5 Procedure, is amended by adding Article 62.063 to read as follows:

6 Art. 62.063. PROHIBITED EMPLOYMENT. (a) In this section:

7 (1) "Amusement ride" has the meaning assigned by  
8 Section 2151.002, Occupations Code.

9 (2) "Bus" has the meaning assigned by Section 541.201,  
10 Transportation Code.

11 (b) A person subject to registration under this chapter  
12 because of a reportable conviction or adjudication for which an  
13 affirmative finding is entered under Article 42.015(b) or Section  
14 5(e)(2), Article 42.12, as appropriate, may not, for compensation:

15 (1) operate or offer to operate a bus;

16 (2) provide or offer to provide a passenger taxicab or  
17 limousine transportation service;

18 (3) provide or offer to provide any type of service in  
19 the residence of another person unless the provision of service  
20 will be supervised; or

21 (4) operate or offer to operate any amusement ride.

22 SECTION 7. Sections 12.42(b) and (d), Penal Code, as  
23 amended by Chapters 834 (H.B. 3384) and 1119 (H.B. 3), Acts of the  
24 82nd Legislature, Regular Session, 2011, are reenacted to read as  
25 follows:

26 (b) Except as provided by Subsection (c)(2) or (c)(4), if it  
27 is shown on the trial of a felony of the second degree that the

1 defendant has previously been finally convicted of a felony other  
2 than a state jail felony punishable under Section 12.35(a), on  
3 conviction the defendant shall be punished for a felony of the first  
4 degree.

5 (d) Except as provided by Subsection (c)(2) or (c)(4), if it  
6 is shown on the trial of a felony offense other than a state jail  
7 felony punishable under Section 12.35(a) that the defendant has  
8 previously been finally convicted of two felony offenses, and the  
9 second previous felony conviction is for an offense that occurred  
10 subsequent to the first previous conviction having become final, on  
11 conviction the defendant shall be punished by imprisonment in the  
12 Texas Department of Criminal Justice for life, or for any term of  
13 not more than 99 years or less than 25 years. A previous conviction  
14 for a state jail felony punishable under Section 12.35(a) may not be  
15 used for enhancement purposes under this subsection.

16 SECTION 8. Section 12.42(c)(4), Penal Code, as amended by  
17 Chapters 122 (H.B. 3000) and 1119 (H.B. 3), Acts of the 82nd  
18 Legislature, Regular Session, 2011, is reenacted and amended to  
19 read as follows:

20 (4) Notwithstanding Subdivision (1) or (2), and except  
21 as provided by Subdivision (3) for the trial of an offense under  
22 Section 22.021 as described by that subdivision, a defendant shall  
23 be punished by imprisonment in the Texas Department of Criminal  
24 Justice for life without parole if it is shown on the trial of an  
25 offense under Section 20A.03 or of a sexually violent offense  
26 ~~[21.02 or 22.021]~~ that the defendant has previously been finally  
27 convicted of:

1 (A) an offense under Section 20A.03 or of a  
2 sexually violent offense [~~21.02 or 22.021~~]; or

3 (B) an offense that was committed under the laws  
4 of another state and that contains elements that are substantially  
5 similar to the elements of an offense under Section 20A.03 or of a  
6 sexually violent offense [~~21.02 or 22.021~~].

7 SECTION 9. Section 12.42, Penal Code, is amended by adding  
8 Subsection (h) to read as follows:

9 (h) In this section, "sexually violent offense" means an  
10 offense:

11 (1) defined by Article 62.001, Code of Criminal  
12 Procedure; and

13 (2) for which an affirmative finding has been entered  
14 under Article 42.015(b) or Section 5(e)(2), Article 42.12, Code of  
15 Criminal Procedure, for any offense other than an offense under  
16 Section 21.02 (Continuous sexual abuse of young child or children)  
17 or 22.021 (Aggravated sexual assault).

18 SECTION 10. (a)(1) The change in law made by this Act in  
19 adding Article 62.063, Code of Criminal Procedure, applies only to  
20 a person who is required to register under Chapter 62, Code of  
21 Criminal Procedure, on the basis of a conviction or adjudication  
22 for an offense described by that article and for which an  
23 affirmative finding under Article 42.015(b) or Section 5(e)(2),  
24 Article 42.12, Code of Criminal Procedure, as added by this Act, is  
25 made on or after the effective date of this Act.

26 (2) Article 42.015(b), Code of Criminal Procedure, and  
27 Section 5(e)(2), Code of Criminal Procedure, as added by this Act,

1 apply, as appropriate, only to a trial commenced on or after the  
2 effective date of this Act or an order of deferred adjudication  
3 entered on or after the effective date of this Act.

4           (3) A person who is required to register under Chapter  
5 62, Code of Criminal Procedure, solely on the basis of a conviction  
6 or adjudication that occurs before the effective date of this Act is  
7 governed by the law in effect when the conviction or adjudication  
8 occurred, and the former law is continued in effect for that  
9 purpose.

10           (b) The change in law made by this Act in amending Section  
11 12.42, Penal Code, applies only to an offense committed on or after  
12 the effective date of this Act. An offense committed before the  
13 effective date of this Act is governed by the law in effect on the  
14 date the offense was committed, and the former law is continued in  
15 effect for that purpose. For purposes of this section, an offense  
16 was committed before the effective date of this Act if any element  
17 of the offense occurred before that date.

18           SECTION 11. To the extent of any conflict, this Act prevails  
19 over another Act of the 83rd Legislature, Regular Session, 2013,  
20 relating to nonsubstantive additions to and corrections in enacted  
21 codes.

22           SECTION 12. This Act takes effect September 1, 2013.



ADOPTED

MAY 21 2013

FLOOR AMENDMENT NO. 1

*Letay Paul*  
Secretary of the Senate

BY:

*Robert Lee Nichols*

Amend H.B. 1302 (senate committee printing) as follows:

(1) In SECTION 6 of the bill, in proposed Article 62.063, Code of Criminal Procedure (page 2, line 65), strike "section" and substitute "article".

(2) In SECTION 8 of the bill, in amended Section 12.42(c)(4), Penal Code (page 3, line 42), immediately after "sexually violent offense", add ", committed by the defendant on or after the defendant's 18th birthday,".

(3) In SECTION 9 of the bill, in proposed Section 12.42(h)(1), Penal Code (page 3, line 55), strike "defined by Article 62.001" and substitute "described by Article 62.001(6)".

(4) In SECTION 9 of the bill, in proposed Section 12.42(h)(2), Penal Code, on page 3, strike lines 59 through 61 and substitute the following:

Criminal Procedure, for an offense other than an offense under Section 21.02 or 22.021.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 21, 2013**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1302** by Clardy (Relating to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for certain sex offenders. ), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Code of Criminal Procedure as it relates to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for sex offenders. Under the provisions of the bill, certain sex offenders with a conviction or adjudication are ineligible for employment with buses and amusement rides. The bill would also require that the Texas Department of Criminal Justice and the Texas Department of Juvenile Justice notify offenders of these restrictions. Additionally, the bill would expand the list of sexually violent offenses subject to a punishment of life without parole. Inmates serving sentences for certain sexually violent offenses who had at least one previous conviction for certain sexually violent offenses are subject to a punishment of life without parole. For offenders at least 17 years old with a victim younger than 14 years old, the bill expands sexually violent offenses to include indecency with a child; sexual assault; sexual performance by a child; aggravated kidnapping with sexual intent; and certain burglary with sexual intent.

The bill increases the length of incarceration for certain repeat sex offenders. Increasing the length of incarceration for any criminal offense is expected to increase demands on state correctional agency resources. However, in the case of the bill, it is assumed that the number of offenders incarcerated under this statute would not significantly impact state correctional agencies' workload and programs.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, ESi, GG, JGA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 15, 2013**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1302** by Clardy (Relating to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for certain sex offenders.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Code of Criminal Procedure as it relates to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for sex offenders. Under the provisions of the bill, certain sex offenders with a conviction or adjudication are ineligible for employment with buses and amusement rides. The bill would also require that the Texas Department of Criminal Justice and the Texas Department of Juvenile Justice notify offenders of these restrictions. Additionally, the bill would expand the list of sexually violent offenses subject to a punishment of life without parole. Inmates serving sentences for certain sexually violent offenses who had at least one previous conviction for certain sexually violent offenses are subject to a punishment of life without parole. For offenders at least 17 years old with a victim younger than 14 years old, the bill expands sexually violent offenses to include is indecency with a child; sexual assault; sexual performance by a child; aggravated kidnapping with sexual intent; and certain burglary with sexual intent.

The bill increases the length of incarceration for certain repeat sex offenders. Increasing the length of incarceration for any criminal offense is expected to increase demands on state correctional agency resources. However, in the case of the bill, it is assumed that the number of offenders incarcerated under this statute would not significantly impact state correctional agencies' workload and programs.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, ESi, GG, JGA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 17, 2013**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1302** by Clardy (Relating to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for certain sex offenders.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Code of Criminal Procedure as it relates to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for sex offenders. Under the provisions of the bill, certain sex offenders with a conviction or adjudication are ineligible for employment with certain transportation services and amusement rides. The bill would also require that the Texas Department of Criminal Justice and the Texas Department of Juvenile Justice would notify offenders of these restrictions. Additionally, the bill would require inmates serving a sentence for continuous trafficking of a person or a sexually violent offense who had previously been convicted of any of those offenses would receive a sentence of life without parole. For offenders at least 17 years old with a victim younger than 13 years old, the bill expands offenses subject to this punishment by adding sex trafficking of a child; indecency with a child; sexual assault; sexual performance by a child; aggravated kidnapping with sexual intent; and burglary with intent to commit any of the previously-referenced offenses, indecency with a child, or prohibited sexual conduct. The bill also expands offenses subject to this punishment by adding the offense of continuous trafficking of a person.

The bill increases the length of incarceration for certain repeat sex offenders. Increasing the length of incarceration for any criminal offense is expected to increase demands on state correctional agency resources. However, in the case of the bill, it is assumed that the number of offenders incarcerated under this statute would not significantly impact state correctional agencies' workload and programs.

The Department of Public Safety and the Texas Department of Criminal Justice indicate that the bill's administrative requirements would not result in a significant fiscal impact for their agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 452 Department of Licensing and Regulation

**LBB Staff:** UP, ESi, GG, JGA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 1, 2013**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1302** by Clardy (Relating to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for sex offenders.),  
**As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Code of Criminal Procedure as it relates to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for sex offenders. Under the provisions of the bill, certain sex offenders with a conviction or adjudication are ineligible for employment with buse services and amusement rides. The bill would also require that the Texas Department of Criminal Justice and the Texas Department of Juvenile Justice would notify offenders of these restrictions. Additionally, the bill would require inmates serving a sentence for continuous trafficking of a person or a sexually violent offense who had previously been convicted of any of those offenses would receive a sentence of life without parole. For offenders at least 17 years old with a victim younger than 13 years old, the bill expands offenses subject to this punishment by adding sex trafficking of a child; indecency with a child; sexual assault; sexual performance by a child; aggravated kidnapping with sexual intent; and burglary with intent to commit any of the previously-referenced offenses, indecency with a child, or prohibited sexual conduct. The bill also expands offenses subject to this punishment by adding the offense of continuous trafficking of a person.

The bill increases the length of incarceration for certain repeat sex offenders. Increasing the length of incarceration for any criminal offense is expected to increase demands on state correctional agency resources. However, in the case of the bill, it is assumed that the number of offenders incarcerated under this statute would not significantly impact state correctional agencies' workload and programs.

The Department of Public Safety and the Texas Department of Criminal Justice indicate that the bill's administrative requirements would not result in a significant fiscal impact for their agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 452 Department of Licensing and Regulation

**LBB Staff:** UP, ESi, GG, JGA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**83RD LEGISLATIVE REGULAR SESSION**

**May 15, 2013**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1302** by Clardy (Relating to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for certain sex offenders.), **As Engrossed**

The bill would amend the Code of Criminal Procedure as it relates to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for sex offenders. Under the provisions of the bill, certain sex offenders with a conviction or adjudication are ineligible for employment with buses and amusement rides. The bill would also require that the Texas Department of Criminal Justice and the Texas Department of Juvenile Justice notify offenders of these restrictions. Additionally, the bill would expand the list of sexually violent offenses subject to a punishment of life without parole. Inmates serving sentences for certain sexually violent offenses who had at least one previous conviction for certain sexually violent offenses are subject to a punishment of life without parole. For offenders at least 17 years old with a victim younger than 14 years old, the bill expands sexually violent offenses to include is indecency with a child; sexual assault; sexual performance by a child; aggravated kidnapping with sexual intent; and certain burglary with sexual intent.

The bill increases the length of incarceration for certain repeat sex offenders. Increasing the length of incarceration for any criminal offense is expected to increase demands on state correctional agency resources. However, in the case of the bill, it is assumed that the number of offenders incarcerated under this statute would not significantly impact state correctional agencies' workload and programs. In fiscal year 2012, 792 offenders were admitted to prison for offenses specified in the bill's provisions and had a victim under 17 years old. An estimated 354 of these offenders had a victim under 14 years of age. An estimated 13 of these offenders met the prior conviction requirements. This estimate is based on the arrest history of similar offenders released in fiscal year 2012 and recent conviction rates for sex offenses.

**Source Agencies:**

**LBB Staff:** UP, GG, JGA



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**83RD LEGISLATIVE REGULAR SESSION**

**April 17, 2013**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1302** by Clardy (Relating to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for certain sex offenders.), **Committee Report 1st House, Substituted**

The bill would amend the Code of Criminal Procedure as it relates to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for sex offenders. Under the provisions of the bill, certain sex offenders with a conviction or adjudication are ineligible for employment with certain transportation and amusement rides. The bill would also require that the Texas Department of Criminal Justice and the Texas Department of Juvenile Justice would notify offenders of these restrictions. Additionally, the bill would require inmates serving a sentence for continuous trafficking of a person or a sexually violent offense who had previously been convicted of any of those offenses would receive a sentence of life without parole. For offenders at least 17 years old with a victim younger than 13 years old, the bill expands offenses subject to this punishment by adding sex trafficking of a child; indecency with a child; sexual assault; sexual performance by a child; aggravated kidnapping with sexual intent; and burglary with intent to commit any of the previously-referenced offenses, indecency with a child, or prohibited sexual conduct. The bill would also expand offenses subject to this punishment by adding the offense of continuous trafficking of a person.

The bill would increase the length of incarceration for certain repeat sex offenders. Increasing the length of incarceration for any criminal offense is expected to increase demands on state correctional agency resources. However, in the case of the bill, it is assumed that the number of offenders incarcerated under this statute would not significantly impact state correctional agencies' workload and programs. In fiscal year 2012, 792 offenders were admitted to prison for offenses specified in the bill's provisions and had a victim less than 17 years of age. An estimated 354 of these offenders had a victim less than 13 years of age. This estimate is based on an analysis of offenses that specified the victim was less than 14 years of age, the closest proxy available in the prison admission data. An estimated 13 of these offenders met the prior conviction requirements. This estimate is based on the arrest history of similar offenders released in fiscal year 2012 and recent conviction rates for sex offenses.

**Source Agencies:**

**LBB Staff:** UP, ESi, GG, JGA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**83RD LEGISLATIVE REGULAR SESSION**

**April 1, 2013**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1302** by Clardy (Relating to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for sex offenders.),  
**As Introduced**

The bill would amend the Code of Criminal Procedure as it relates to the imposition of a sentence of life without parole on certain repeat sex offenders and to certain restrictions on employment for sex offenders. Under the provisions of the bill, certain sex offenders with a conviction or adjudication are ineligible for employment with buses and amusement rides. The bill would also require that the Texas Department of Criminal Justice and the Texas Department of Juvenile Justice would notify offenders of these restrictions. Additionally, the bill would require inmates serving a sentence for continuous trafficking of a person or a sexually violent offense who had previously been convicted of any of those offenses would receive a sentence of life without parole. For offenders at least 17 years old with a victim younger than 13 years old, the bill expands offenses subject to this punishment by adding sex trafficking of a child; indecency with a child; sexual assault; sexual performance by a child; aggravated kidnapping with sexual intent; and burglary with intent to commit any of the previously-referenced offenses, indecency with a child, or prohibited sexual conduct. The bill would also expand offenses subject to this punishment by adding the offense of continuous trafficking of a person.

The bill would increase the length of incarceration for certain repeat sex offenders. Increasing the length of incarceration for any criminal offense is expected to increase demands on state correctional agency resources. However, in the case of the bill, it is assumed that the number of offenders incarcerated under this statute would not significantly impact state correctional agencies' workload and programs. In fiscal year 2012, 792 offenders were admitted to prison for offenses specified in the bill's provisions and had a victim less than 17 years of age. An estimated 354 of these offenders had a victim less than 13 years of age. This estimate is based on an analysis of offenses that specified the victim was less than 14 years of age, the closest proxy available in the prison admission data. An estimated 13 of these offenders met the prior conviction requirements. This estimate is based on the arrest history of similar offenders released in fiscal year 2012 and recent conviction rates for sex offenses.

**Source Agencies:**

**LBB Staff:** UP, GG, JGA