

By: Sheffield

H.B. No. 404

Substitute the following for H.B. No. 404:

By: Herrero

C.S.H.B. No. 404

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions on certain employment and volunteer activity for certain sex offenders; amending provisions subject to a criminal penalty.

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

SECTION 1. Article 62.063, Code of Criminal Procedure, is amended to read as follows:

Art. 62.063. PROHIBITED EMPLOYMENT AND VOLUNTEER ACTIVITY.

(a) In this article:

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

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

(3) "Playground," "premises," "school," "video arcade facility," and "youth center" have the meanings assigned by Section 481.134, Health and Safety Code.

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

(1) [~~7~~] for compensation:

(A) [~~(1)~~] operate or offer to operate a bus;

(B) [~~(2)~~] provide or offer to provide a passenger taxicab or limousine transportation service;

1 (C) [~~(3)~~] provide or offer to provide any type of
2 service in the residence of another person unless the provision of
3 service will be supervised; or

4 (D) [~~(4)~~] operate or offer to operate any
5 amusement ride; or

6 (2) regardless of any compensation received:

7 (A) supervise or participate in any program that
8 includes as participants or recipients persons who are 17 years of
9 age or younger; or

10 (B) provide or offer to provide any type of
11 service at a premises where children commonly gather, including a
12 school, day-care facility, playground, public or private youth
13 center, public swimming pool, video arcade facility, or restaurant
14 or other business that is promoted or advertised as being of
15 particular interest to children.

16 SECTION 2. Article 62.053(a), Code of Criminal Procedure,
17 is amended to read as follows:

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

26 (1) inform the person that:

27 (A) not later than the later of the seventh day

1 after the date on which the person is released or after the date on
2 which the person moves from a previous residence to a new residence
3 in this state or not later than the first date the applicable local
4 law enforcement authority by policy allows the person to register
5 or verify registration, the person must register or verify
6 registration with the local law enforcement authority in the
7 municipality or county in which the person intends to reside;

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

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

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

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

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

11 (G) certain types of employment are prohibited
12 under Article 62.063(b)(1) ~~[62.063]~~ for a person with a reportable
13 conviction or adjudication for a sexually violent offense involving
14 a victim younger than 14 years of age and occurring on or after
15 September 1, 2013, but before September 1, 2015; and

16 (H) certain types of employment and certain types
17 of volunteer activity are prohibited under Article 62.063(b)(1) or
18 (2) for a person with a reportable conviction or adjudication for a
19 sexually violent offense involving a victim younger than 14 years
20 of age and occurring on or after September 1, 2015;

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

25 (3) obtain the address or, if applicable, a detailed
26 description of each geographical location where the person expects
27 to reside on the person's release and other registration

1 information, including a photograph and complete set of
2 fingerprints; and

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

4 SECTION 3. Article 62.058(f), Code of Criminal Procedure,
5 is amended to read as follows:

6 (f) A local law enforcement authority that provides to a
7 person subject to the prohibitions described by Article 62.063 a
8 registration form for verification as required by this chapter
9 shall include with the form a statement summarizing the types of
10 employment and the types of volunteer activity that are prohibited
11 for that person.

12 SECTION 4. (a) The change in law made by this Act in
13 amending Article 62.063, Code of Criminal Procedure, applies only
14 to a person who is required to register under Chapter 62, Code of
15 Criminal Procedure, on the basis of a conviction or adjudication
16 for an offense committed on or after the effective date of this Act.
17 An offense committed before the effective date of this Act is
18 governed by the law in effect on the date the offense was committed,
19 and the former law is continued in effect for that purpose.

20 (b) A person who is required to register under Chapter 62,
21 Code of Criminal Procedure, solely on the basis of a conviction or
22 adjudication that occurs before the effective date of this Act is
23 governed by the law in effect when the conviction or adjudication
24 occurred, and the former law is continued in effect for that
25 purpose.

26 SECTION 5. This Act takes effect September 1, 2015.