

By: Raney, Guillen, et al.

H.B. No. 355

Substitute the following for H.B. No. 355:

By: Lozano

C.S.H.B. No. 355

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting certain sex offenders from residing on the campus of a public or private institution of higher education.

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

SECTION 1. Subchapter B, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.064 to read as follows:

Art. 62.064. PROHIBITED LOCATION OF RESIDENCE. A person subject to registration under this chapter may not reside on the campus of a public or private institution of higher education unless:

(1) the person is assigned a numeric risk level of one based on an assessment conducted using the sex offender screening tool developed or selected under Article 62.007; and

(2) the institution approves the person to reside on the institution's campus.

SECTION 2. 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 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

1 official of the penal institution shall:

2 (1) inform the person that:

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

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

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

24 (D) not later than the 10th day after the date on
25 which the person arrives in another state in which the person
26 intends to reside, the person must register with the law
27 enforcement agency that is identified by the department as the

1 agency designated by that state to receive registration
2 information, if the other state has a registration requirement for
3 sex offenders;

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

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

14 (G) certain types of employment are prohibited
15 under Article 62.063 for a person with a reportable conviction or
16 adjudication for a sexually violent offense involving a victim
17 younger than 14 years of age and occurring on or after September 1,
18 2013; and

19 (H) certain locations of residence are
20 prohibited under Article 62.064 for a person with a reportable
21 conviction or adjudication for an offense occurring on or after
22 September 1, 2017, except as otherwise provided by that article;

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

27 (3) obtain the address or, if applicable, a detailed

1 description of each geographical location where the person expects
2 to reside on the person's release and other registration
3 information, including a photograph and complete set of
4 fingerprints; and

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

6 SECTION 3. Article 62.058, Code of Criminal Procedure, is
7 amended by adding Subsection (g) to read as follows:

8 (g) A local law enforcement authority that provides to a
9 person a registration form for verification as required by this
10 chapter shall include with the form a statement describing the
11 prohibition under Article 62.064.

12 SECTION 4. (a) The change in law made by this Act in adding
13 Article 62.064, Code of Criminal Procedure, applies only to a
14 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, 2017.