

By: Frullo

H.B. No. 491

Substitute the following for H.B. No. 491:

By: Moody

C.S.H.B. No. 491

A BILL TO BE ENTITLED

1 AN ACT
2 relating to requiring registration as a sex offender of certain
3 defendants convicted of the offense of continuous trafficking of
4 persons.

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

6 SECTION 1. Article 62.001(5), Code of Criminal Procedure,
7 is amended to read as follows:

8 (5) "Reportable conviction or adjudication" means a
9 conviction or adjudication, including an adjudication of
10 delinquent conduct or a deferred adjudication, that, regardless of
11 the pendency of an appeal, is a conviction for or an adjudication
12 for or based on:

13 (A) a violation of Section 21.02 (Continuous
14 sexual abuse of young child or children), 21.11 (Indecency with a
15 child), 22.011 (Sexual assault), 22.021 (Aggravated sexual
16 assault), or 25.02 (Prohibited sexual conduct), Penal Code;

17 (B) a violation of Section 43.05 (Compelling
18 prostitution), 43.25 (Sexual performance by a child), or 43.26
19 (Possession or promotion of child pornography), Penal Code;

20 (B-1) a violation of Section 43.02
21 (Prostitution), Penal Code, if the offense is punishable under
22 Subsection (c)(3) of that section;

23 (C) a violation of Section 20.04(a)(4)
24 (Aggravated kidnapping), Penal Code, if the actor committed the

1 offense or engaged in the conduct with intent to violate or abuse
2 the victim sexually;

3 (D) a violation of Section 30.02 (Burglary),
4 Penal Code, if the offense or conduct is punishable under
5 Subsection (d) of that section and the actor committed the offense
6 or engaged in the conduct with intent to commit a felony listed in
7 Paragraph (A) or (C);

8 (E) a violation of Section 20.02 (Unlawful
9 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
10 Penal Code, if, as applicable:

11 (i) the judgment in the case contains an
12 affirmative finding under Article 42.015; or

13 (ii) the order in the hearing or the papers
14 in the case contain an affirmative finding that the victim or
15 intended victim was younger than 17 years of age;

16 (F) the second violation of Section 21.08
17 (Indecent exposure), Penal Code, but not if the second violation
18 results in a deferred adjudication;

19 (G) an attempt, conspiracy, or solicitation, as
20 defined by Chapter 15, Penal Code, to commit an offense or engage in
21 conduct listed in Paragraph (A), (B), (C), (D), (E), ~~(K)~~, or
22 (L);

23 (H) a violation of the laws of another state,
24 federal law, the laws of a foreign country, or the Uniform Code of
25 Military Justice for or based on the violation of an offense
26 containing elements that are substantially similar to the elements
27 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),

1 (G), (J), [~~or~~] (K), or (L), but not if the violation results in a
2 deferred adjudication;

3 (I) the second violation of the laws of another
4 state, federal law, the laws of a foreign country, or the Uniform
5 Code of Military Justice for or based on the violation of an offense
6 containing elements that are substantially similar to the elements
7 of the offense of indecent exposure, but not if the second violation
8 results in a deferred adjudication;

9 (J) a violation of Section 33.021 (Online
10 solicitation of a minor), Penal Code; [~~or~~]

11 (K) a violation of Section 20A.02(a)(3), (4),
12 (7), or (8) (Trafficking of persons), Penal Code; or

13 (L) a violation of Section 20A.03 (Continuous
14 trafficking of persons), Penal Code, if the offense is based partly
15 or wholly on conduct that constitutes an offense under Section
16 20A.02(a)(3), (4), (7), or (8) of that code.

17 SECTION 2. Article 62.101(a), Code of Criminal Procedure,
18 is amended to read as follows:

19 (a) Except as provided by Subsection (b) and Subchapter I,
20 the duty to register for a person ends when the person dies if the
21 person has a reportable conviction or adjudication, other than an
22 adjudication of delinquent conduct, for:

23 (1) a sexually violent offense;

24 (2) an offense under Section 20A.02(a)(3), (4), (7),
25 or (8), 25.02, 43.05(a)(2), or 43.26, Penal Code;

26 (3) an offense under Section 20A.03, Penal Code, if
27 based partly or wholly on conduct that constitutes an offense under

1 Section 20A.02(a)(3), (4), (7), or (8) of that code;

2 (4) an offense under Section 21.11(a)(2), Penal Code,
3 if before or after the person is convicted or adjudicated for the
4 offense under Section 21.11(a)(2), Penal Code, the person receives
5 or has received another reportable conviction or adjudication,
6 other than an adjudication of delinquent conduct, for an offense or
7 conduct that requires registration under this chapter;

8 (5) [~~4~~] an offense under Section 20.02, 20.03, or
9 20.04, Penal Code, if:

10 (A) the judgment in the case contains an
11 affirmative finding under Article 42.015 or, for a deferred
12 adjudication, the papers in the case contain an affirmative finding
13 that the victim or intended victim was younger than 17 years of age;
14 and

15 (B) before or after the person is convicted or
16 adjudicated for the offense under Section 20.02, 20.03, or 20.04,
17 Penal Code, the person receives or has received another reportable
18 conviction or adjudication, other than an adjudication of
19 delinquent conduct, for an offense or conduct that requires
20 registration under this chapter; or

21 (6) [~~5~~] an offense under Section 43.23, Penal Code,
22 that is punishable under Subsection (h) of that section.

23 SECTION 3. Articles 62.001 and 62.101, Code of Criminal
24 Procedure, as amended by this Act, apply only to an offense
25 committed on or after the effective date of this Act. An offense
26 committed before the effective date of this Act is governed by the
27 law in effect on the date the offense was committed, and the former

1 law is continued in effect for that purpose. For purposes of this
2 section, an offense was committed before the effective date of this
3 Act if any element of the offense occurred before that date.

4 SECTION 4. This Act takes effect September 1, 2017.