

By: Schubert

H.B. No. 848

A BILL TO BE ENTITLED

AN ACT

relating to the authority of general-law municipalities to restrict sex offenders from child safety zones in the municipality.

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

SECTION 1. Subchapter Z, Chapter 341, Local Government Code, is amended by adding Section 341.906 to read as follows:

Sec. 341.906. LIMITATIONS ON REGISTERED SEX OFFENDERS IN GENERAL-LAW MUNICIPALITIES. (a) In this section:

(1) "Child safety zone" means premises where children commonly gather. The term includes a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children. The term does not include a church, as defined by Section 544.251, Insurance Code.

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

(3) "Registered sex offender" means an individual who is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

(b) To provide for the public safety, the governing body of a general-law municipality by ordinance may restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the municipality.

1 (c) It is an affirmative defense to prosecution of an
2 offense under the ordinance that the registered sex offender was
3 in, on, or within a specified distance of a child safety zone for a
4 legitimate purpose, including transportation of a child that the
5 registered sex offender is legally permitted to be with,
6 transportation to and from work, and other work-related purposes.

7 (d) The ordinance may establish a distance requirement
8 described by Subsection (b) at any distance of not more than 1,000
9 feet.

10 (e) The ordinance may establish procedures for a registered
11 sex offender to apply for and receive an exemption from the
12 ordinance.

13 (f) The ordinance must exempt a registered sex offender who
14 established residency in a residence located within the specified
15 distance of a child safety zone before the date the ordinance is
16 adopted. The exemption must apply only to:

17 (1) areas necessary for the registered sex offender to
18 have access to and to live in the residence; and

19 (2) the period the registered sex offender maintains
20 residency in the residence.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2017.