

By: Dutton

H.B. No. 2879

A BILL TO BE ENTITLED

AN ACT

relating to treatment and registration of juveniles adjudicated for a sexual offense.

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

SECTION 1. Article 62.001, Chapter 62, Code of Criminal Procedure, is amended by amending Subdivisions (5) and (10) and adding Subdivision (5-a) to read as follows:

(5) "Reportable conviction [~~or adjudication~~]" means a conviction [~~or adjudication, including an adjudication of delinquent conduct~~] or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or [~~an adjudication for or~~] based on:

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

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

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

(C) a violation of Section 20.04(a)(4) (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), or (K);

22 (H) a violation of the laws of another state,
23 federal law, the laws of a foreign country, or the Uniform Code of
24 Military Justice for or based on the violation of an offense
25 containing elements that are substantially similar to the elements
26 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
27 (G), (J), or (K), but not if the violation results in a deferred

1 adjudication;

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

8 (J) a violation of Section 33.021 (Online
9 solicitation of a minor), Penal Code; or

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

12 (5-a) "Reportable adjudication" has the meaning
13 assigned by Section 54A.01(2), Family Code.

14 (10) "Extrajurisdictional registrant" means a person
15 who:

16 (A) is required to register as a sex offender
17 under:

18 (i) the laws of another state with which the
19 department has entered into a reciprocal registration agreement;

20 (ii) federal law or the Uniform Code of
21 Military Justice; or

22 (iii) the laws of a foreign country; and

23 (B) is not otherwise required to register under
24 this chapter because:

25 (i) the person does not have a reportable
26 conviction for an offense under the laws of the other state, federal
27 law, the laws of the foreign country, or the Uniform Code of

1 Military Justice containing elements that are substantially
2 similar to the elements of an offense requiring registration under
3 this chapter[~~;~~ or

4 ~~(ii) the person does not have a reportable~~
5 ~~adjudication of delinquent conduct based on a violation of an~~
6 ~~offense under the laws of the other state, federal law, or the laws~~
7 ~~of the foreign country containing elements that are substantially~~
8 ~~similar to the elements of an offense requiring registration under~~
9 ~~this chapter].~~

10 SECTION 2. Article 62.002, Chapter 62, Code of Criminal
11 Procedure, is amended to read as follows:

12 Art. 62.002. APPLICABILITY OF CHAPTER. (a) This chapter
13 applies only to a reportable conviction [~~or adjudication~~] occurring
14 on or after September 1, 1970 or an order to register under Chapter
15 54A, Family Code.

16 (b) Except as provided by Subsection (c), the duties imposed
17 on a person required to register under this chapter on the basis of
18 a reportable conviction or order to register under Chapter 54A,
19 Family Code [~~adjudication~~], and the corresponding duties and powers
20 of other entities in relation to the person required to register on
21 the basis of that conviction, or order to register under Chapter
22 54A, Family Code [~~adjudication~~], are not affected by:

23 (1) an appeal of the conviction or of the reportable
24 adjudication the subject of an order to register under Chapter 54A,
25 Family Code; or

26 (2) a pardon of the conviction or of the reportable
27 adjudication the subject of an order to register under Chapter 54A.

1 (c) If a conviction or reportable adjudication the subject
2 of an order to register under Chapter 54A, Family Code
3 ~~[adjudication]~~ that is the basis of a duty to register under this
4 chapter is set aside on appeal by a court or if the person required
5 to register under this chapter on the basis of a conviction or
6 reportable adjudication the subject of an order to register under
7 Chapter 54A, Family Code receives a pardon on the basis of
8 subsequent proof of innocence, the duties imposed on the person by
9 this chapter and the corresponding duties and powers of other
10 entities in relation to the person are terminated.

11 SECTION 3. Article 62.005, Chapter 62, Code of Criminal
12 Procedure is amended by amending Subsection (b) to read as follows:

13 (b) The information contained in the database, including
14 the numeric risk level assigned to a person under this chapter, is
15 public information, with the exception of any information:

16 (1) regarding the person's social security number or
17 driver's license number, or any home, work, or cellular telephone
18 number of the person;

19 (2) that is described by Article 62.051(c)(7) or
20 required by the department under Article 62.051(c)(8), including
21 any information regarding an employer's name, address, or telephone
22 number; ~~[or]~~

23 (3) that would identify the victim of the offense for
24 which the person is subject to registration; or

25 (4) that pertains to a person whose duty to register
26 results from an order to register under Chapter 54A, Family Code.

27 SECTION 4. Article 62.007, Chapter 62, Code of Criminal

1 Procedure is amended by amending Subsection (g) to read as follows:

2 (g) The numeric risk level assigned to a person required to
3 register on the basis of a reportable conviction, using the sex
4 offender screening tool described by this article is not
5 confidential and is subject to disclosure under Chapter 552,
6 Government Code.

7 SECTION 5. Article 62.051, Chapter 62, Code of Criminal
8 Procedure is amended by amending Subsections (a) and (i) to read as
9 follows:

10 Art. 62.051. REGISTRATION: GENERAL. (a) A person who has a
11 reportable conviction or has been ordered to register under Chapter
12 54A, Family Code [adjudication] or who is required to register as a
13 condition of parole, release to mandatory supervision, or community
14 supervision shall register or, if the person is a person for whom
15 registration is completed under this chapter, verify registration
16 as provided by Subsection (f), with the local law enforcement
17 authority in any municipality where the person resides or intends
18 to reside for more than seven days. If the person does not reside or
19 intend to reside in a municipality, the person shall register or
20 verify registration in any county where the person resides or
21 intends to reside for more than seven days. The person shall
22 satisfy the requirements of this subsection not later than the
23 later of:

24 (1) the seventh day after the person's arrival in the
25 municipality or county; or

26 (2) the first date the local law enforcement authority
27 of the municipality or county by policy allows the person to

1 register or verify registration, as applicable.

2 (i) If the other state has a registration requirement for
3 sex offenders, a person who has a reportable conviction, or
4 reportable adjudication, who resides in this state, and who is
5 employed, carries on a vocation, or is a student in another state
6 shall, not later than the 10th day after the date on which the
7 person begins to work or attend school in the other state, register
8 with the law enforcement authority that is identified by the
9 department as the authority designated by that state to receive
10 registration information. If the person is employed, carries on a
11 vocation, or is a student at a public or private institution of
12 higher education in the other state and if an authority for campus
13 security exists at the institution, the person shall also register
14 with that authority not later than the 10th day after the date on
15 which the person begins to work or attend school.

16 SECTION 6. Article 62.052, Chapter 62, Code of Criminal
17 Procedure is amended by amending Subsection (a) to read as follows:

18 Art. 62.052. REGISTRATION: EXTRAJURISDICTIONAL
19 REGISTRANTS. (a) An extrajurisdictional registrant is required to
20 comply with the annual verification requirements of Article 62.058
21 in the same manner as a person who is required to verify
22 registration on the basis of a reportable conviction or an order to
23 register under Chapter 54A, Family Code [~~adjudication~~].

24 SECTION 7. Article 62.053, Chapter 62, Code of Criminal
25 Procedure, is amended by amending Subsections (a) and (d) to read as
26 follows:

27 Art. 62.053. PRERELEASE NOTIFICATION. (a) Before a person

1 who will be subject to registration under this chapter is due to be
2 released from a penal institution, the Texas Department of Criminal
3 Justice or the Texas Juvenile Justice Department shall determine
4 the person's level of risk to the community using the sex offender
5 screening tool developed or selected under Article 62.007 and
6 assign to the person a numeric risk level of one, two, or three.
7 Before releasing the person, an official of the penal institution
8 shall:

9 (1) inform the person that:

10 (A) not later than the later of the seventh day
11 after the date on which the person is released or after the date on
12 which the person moves from a previous residence to a new residence
13 in this state or not later than the first date the applicable local
14 law enforcement authority by policy allows the person to register
15 or verify registration, the person must register or verify
16 registration with the local law enforcement authority in the
17 municipality or county in which the person intends to reside;

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

24 (C) not later than the seventh day before the
25 date on which the person moves to a new residence in this state or
26 another state, the person must report in person to the local law
27 enforcement authority designated as the person's primary

1 registration authority by the department and to the juvenile
2 probation officer, community supervision and corrections
3 department officer, or parole officer supervising the person;

4 (D) not later than the 10th day after the date on
5 which the person arrives in another state in which the person
6 intends to reside, the person must register with the law
7 enforcement agency that is identified by the department as the
8 agency designated by that state to receive registration
9 information, if the other state has a registration requirement for
10 sex offenders;

11 (E) not later than the 30th day after the date on
12 which the person is released, the person must apply to the
13 department in person for the issuance of an original or renewal
14 driver's license or personal identification certificate and a
15 failure to apply to the department as required by this paragraph
16 results in the automatic revocation of any driver's license or
17 personal identification certificate issued by the department to the
18 person;

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

21 (G) certain types of employment are prohibited
22 under Article 62.063 for a person with a reportable conviction [~~or~~
23 ~~adjudication for a sexually violent offense~~] involving a victim
24 younger than 14 years of age occurring on or after September 1,
25 2013;

26 (2) require the person to sign a written statement
27 that the person was informed of the person's duties as described by

1 Subdivision (1) or Subsection (g) or, if the person refuses to sign
2 the statement, certify that the person was so informed;

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

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

9 (d) If a person who has a reportable conviction described by
10 Article 62.001(5)(H) or (I) is placed under the supervision of the
11 parole division of the Texas Department of Criminal Justice or a
12 community supervision and corrections department under Section
13 510.017, Government Code, the division or community supervision and
14 corrections department shall conduct the prerelease notification
15 and registration requirements specified in this article on the date
16 the person is placed under the supervision of the division or
17 community supervision and corrections department. If a person who
18 is required to register under Chapter 54A, Family Code [~~has a~~
19 ~~reportable adjudication of delinquent conduct described by Article~~
20 ~~62.001(5)(H) or (I)] is [~~as permitted by Section 60.002, Family~~
21 ~~Code,~~] placed under the supervision of the Texas Juvenile Justice
22 Department [~~Youth Commission~~], a public or private vendor operating
23 under contract with the Texas Juvenile Justice Department [~~Youth~~
24 ~~Commission~~], a local juvenile probation department, or a juvenile
25 secure pre-adjudication or post-adjudication facility, the
26 commission, vendor, probation department, or facility shall
27 conduct the prerelease notification and registration requirements~~

1 specified in this article on the date the person is placed under the
2 supervision of the commission, vendor, probation department, or
3 facility.

4 SECTION 8. Article 62.054, Chapter 62, Code of Criminal
5 Procedure, is amended to read as follows:

6 Art. 62.054. CIRCUMSTANCES REQUIRING NOTICE TO
7 SUPERINTENDENT OR SCHOOL ADMINISTRATOR. (a) A local law
8 enforcement authority shall provide notice to the superintendent
9 and each administrator under Article 62.053(e) or 62.055(f) only
10 if:

11 (1) the victim was at the time of the offense a child
12 younger than 17 years of age or a student enrolled in a public or
13 private secondary school;

14 (2) the person subject to registration is a student
15 enrolled in a public or private secondary school; or

16 (3) the basis on which the person is subject to
17 registration is a conviction, a deferred adjudication, or an order
18 to register under Chapter 54A, Family Code [~~adjudication of~~
19 ~~delinquent conduct~~] for an offense under Section 43.25 or 43.26,
20 Penal Code, or an offense under the laws of another state, federal
21 law, or the Uniform Code of Military Justice that contains elements
22 substantially similar to the elements of an offense under either of
23 those sections.

24 (b) A local law enforcement authority may not provide notice
25 to the superintendent or any administrator under Article 62.053(e)
26 or 62.055(f) if the basis on which the person is subject to
27 registration is a conviction, a deferred adjudication, or an order

1 to register under Chapter 54A, Family Code [~~adjudication of~~
2 ~~delinquent conduct~~] for an offense under Section 25.02, Penal Code,
3 or an offense under the laws of another state, federal law, or the
4 Uniform Code of Military Justice that contains elements
5 substantially similar to the elements of an offense under that
6 section.

7 SECTION 9. Article 62.056, Chapter 62, Code of Criminal
8 Procedure, is amended by amending Subsection (c) to read as
9 follows:

10 (c) The department shall establish procedures for a person
11 with respect to whom notice is provided under Subsection (a), other
12 than a person subject to registration on the basis of an order to
13 register under Chapter 54A, Family Code [~~adjudication of delinquent~~
14 ~~conduct~~], to pay to the department all costs incurred by the
15 department in providing the notice. The person shall pay those
16 costs in accordance with the procedures established under this
17 subsection.

18 SECTION 10. Article 62.062, Chapter 62, Code of Criminal
19 Procedure, is amended to read as follows:

20 Art. 62.062. LIMITATION ON NEWSPAPER PUBLICATION. A [~~(a)~~
21 ~~Except as provided by Subsection (b), a~~] local law enforcement
22 authority may not publish notice in a newspaper or other periodical
23 or circular concerning a person's registration under this chapter
24 if the only basis on which the person is subject to registration is
25 an order to register under Chapter 54A, Family Code [~~one or more~~
26 ~~adjudications of delinquent conduct~~].

27 ~~(b) This article does not apply to a publication of notice~~

1 ~~under Article 62.056.~~

2 SECTION 11. Article 62.063, Chapter 62, Code of Criminal
3 Procedure, is amended by amending Subsections (b) to read as
4 follows:

5 Text of subsection effective on January 01, 2017

6 (b) A person subject to registration under this chapter
7 because of a reportable conviction [~~or adjudication~~] for which an
8 affirmative finding is entered under Article 42.015(b) or
9 42A.105(a), as appropriate, may not, for compensation:

- 10 (1) operate or offer to operate a bus;
- 11 (2) provide or offer to provide a passenger taxicab or
12 limousine transportation service;
- 13 (3) provide or offer to provide any type of service in
14 the residence of another person unless the provision of service
15 will be supervised; or
- 16 (4) operate or offer to operate any amusement ride.

17 SECTION 12. Article 62.101, Chapter 62, Code of Criminal
18 Procedure, is amended by amending Subsections (a), and (c) and
19 adding Subsection (d) to read as follows:

20 Art. 62.101. EXPIRATION OF DUTY TO REGISTER. (a) Except as
21 provided by Subsection (b) and Subchapter I, the duty to register
22 for a person ends when the person dies if the person has a
23 reportable conviction [~~or adjudication, other than an adjudication~~
24 ~~of delinquent conduct,~~] for:

- 25 (1) a sexually violent offense;
- 26 (2) an offense under Section 20A.02(a)(3), (4), (7),
27 or (8), 25.02, 43.05(a)(2), or 43.26, Penal Code;

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

7 (4) an offense under Section 20.02, 20.03, or 20.04,
8 Penal Code, if:

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

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

20 (5) an offense under Section 43.23, Penal Code, that
21 is punishable under Subsection (h) of that section.

22 (c) Except as provided by Subchapter I, the duty to register
23 for a person with a reportable conviction [~~or adjudication~~] for an
24 offense other than an offense described by Subsection (a) ends[+]

25 ~~(1) if the person's duty to register is based on an~~
26 ~~adjudication of delinquent conduct, on the 10th anniversary of the~~
27 ~~date on which the disposition is made or the person completes the~~

1 ~~terms of the disposition, whichever date is later, or~~

2 ~~(2) if the person's duty to register is based on a~~
3 ~~conviction or on an order of deferred adjudication,]~~ on the 10th
4 anniversary of the date on which the court dismisses the criminal
5 proceedings against the person and discharges the person, the
6 person is released from a penal institution, or the person
7 discharges community supervision, whichever date is later.

8 (d) Except as provided by Chapter 54A, the duty to register
9 for a person ordered to register under Chapter 54A, Family Code,
10 ends on the 5th anniversary of the date on which the disposition
11 order is entered or the person completes the terms of the
12 disposition, whichever is later.

13 SECTION 13. Article 62.152, Chapter 62, Code of Criminal
14 Procedure, is amended by amending Subsections (a) and (e) to read as
15 follows:

16 Art. 62.152. REGISTRATION OF CERTAIN WORKERS OR STUDENTS.

17 (a) A person is subject to this subchapter and, except as otherwise
18 provided by this article, to the other subchapters of this chapter
19 if the person:

20 (1) has a reportable conviction or is ordered to
21 register under Chapter 54A, Family Code [~~adjudication~~];

22 (2) resides in another state; and

23 (3) is employed, carries on a vocation, or is a student
24 in this state.

25 (e) Notwithstanding Subsection (a), this article does not
26 apply to a person who has a reportable conviction [~~or~~
27 ~~adjudication~~], who resides in another state, and who is employed,

1 carries on a vocation, or is a student in this state if the person
2 establishes another residence in this state to work or attend
3 school in this state. However, that person remains subject to the
4 other articles of this chapter based on that person's residence in
5 this state.

6 SECTION 14. Article 62.301, Chapter 62, Code of Criminal
7 Procedure, is amended by amending Subsection (b) to read as
8 follows:

9 Text of subsection effective on January 01, 2017

10 (b) A person is eligible to petition the court as described
11 by Subsection (a) if:

12 (1) the person is required to register only as a result
13 of a single reportable conviction [~~or adjudication, other than an~~
14 ~~adjudication of delinquent conduct~~]; and

15 (2) the court has entered in the appropriate judgment
16 or has filed with the appropriate papers a statement of an
17 affirmative finding described by Article 42.017 or 42A.105(c).

18 SECTION 15. Article 62.402, Chapter 62, Code of Criminal
19 Procedure, is amended by amending Subsections (a), (b), and (c) to
20 read as follows:

21 Art. 62.401. DEFINITION. In this subchapter, "council"
22 means the Council on Sex Offender Treatment.

23 Art. 62.402. DETERMINATION OF MINIMUM REQUIRED
24 REGISTRATION PERIOD. (a) The department by rule shall determine
25 the minimum required registration period under federal law for each
26 reportable conviction under this chapter, or reportable
27 adjudication the basis for an order to register under Chapter 54A,

1 Family Code [~~under this chapter~~].

2 (b) After determining the minimum required registration
3 period for each reportable conviction or reportable adjudication
4 under Subsection (a), the department shall compile and publish a
5 list of reportable convictions, and shall compile a nonpublic list
6 of [or] reportable adjudications the subject of an order to
7 register under Chapter 54A for which a person must register under
8 this chapter for a period that exceeds the minimum required
9 registration period under federal law.

10 (c) To the extent possible, the department shall
11 periodically verify with the United States Department of Justice's
12 Office of Sex Offender Sentencing, Monitoring, Apprehending,
13 Registering, and Tracking or another appropriate federal agency or
14 office the accuracy of the list of reportable convictions or
15 reportable adjudications described by Subsection (b).

16 SECTION 16. Article 62.403, Chapter 62, Code of Criminal
17 Procedure, is amended by amending Subsections (a) and (b) to read as
18 follows:

19 Art. 62.403. INDIVIDUAL RISK ASSESSMENT. (a) The council
20 by rule shall establish, develop, or adopt an individual risk
21 assessment tool or a group of individual risk assessment tools
22 that:

23 (1) evaluates the criminal history of a person
24 required to register under this chapter; and

25 (2) seeks to predict:

26 (A) the likelihood that the person will engage in
27 criminal activity that may result in the person receiving a second

1 or subsequent reportable [~~adjudication or~~] conviction; and

2 (B) the continuing danger, if any, that the
3 person poses to the community.

4 (b) On the written request of a person with a single
5 reportable [~~adjudication or~~] conviction that appears on the list
6 published under Article 62.402(b), the council shall:

7 (1) evaluate the person using the individual risk
8 assessment tool or group of individual risk assessment tools
9 established, developed, or adopted under Subsection (a); and

10 (2) provide to the person a written report detailing
11 the outcome of an evaluation conducted under Subdivision (1).

12 SECTION 17. Article 62.404, Chapter 62, Code of Criminal
13 Procedure, is amended by amending Subsections (a) and (b) to read as
14 follows:

15 Art. 62.404. MOTION FOR EARLY TERMINATION. (a) A person
16 required to register under this chapter who has requested and
17 received an individual risk assessment under Article 62.403 may
18 file with the trial court that sentenced the person for the
19 reportable conviction [~~or adjudication~~] a motion for early
20 termination of the person's obligation to register under this
21 chapter.

22 (b) A motion filed under this article must be accompanied
23 by:

24 (1) a written explanation of how the reportable
25 conviction [~~or adjudication~~] giving rise to the movant's
26 registration under this chapter qualifies as a reportable
27 conviction [~~or adjudication~~] that appears on the list published

1 under Article 62.402(b); and

2 (2) a certified copy of a written report detailing the
3 outcome of an individual risk assessment evaluation conducted under
4 Article 62.403(b)(1).

5 SECTION 18. Article 62.405, Chapter 62, Code of Criminal
6 Procedure, is amended by amending Subsection (b) to read as
7 follows:

8 (b) The court may not grant a motion filed under Article
9 62.404 if:

10 (1) the motion is not accompanied by the documents
11 required under Article 62.404(b); or

12 (2) the court determines that the reportable
13 conviction [~~or adjudication~~] for which the movant is required to
14 register under this chapter is not a reportable conviction [~~or~~
15 ~~adjudication~~] for which the movant is required to register for a
16 period that exceeds the minimum required registration period under
17 federal law.

18 SECTION 19. Article 62.408, Chapter 62, Code of Criminal
19 Procedure, is amended to read as follows:

20 Art. 62.408. NONAPPLICABILITY. This subchapter does not
21 apply to a person without a reportable conviction [~~or adjudication~~]
22 who is required to register as a condition of parole, release to
23 mandatory supervision, or community supervision.

24 SECTION 20. Section 37.302, Education Code, is amended by
25 amending Subdivision (2) to read as follows:

26 Sec. 37.302. Applicability.

27 This subchapter:

1 (1) applies to a student who is required to register as a sex
2 offender under Chapter 54A, Family Code or Chapter 62, Code of
3 Criminal Procedure; and

4 (2) does not apply to a student who is no longer required to
5 register as a sex offender under Chapter 54A, Family Code or Chapter
6 62, Code of Criminal Procedure~~[, including a student who receives~~
7 ~~an exemption from registration under Subchapter H, Chapter 62, Code~~
8 ~~of Criminal Procedure, or a student who receives an early~~
9 ~~termination of the obligation to register under Subchapter I,~~
10 ~~Chapter 62, Code of Criminal Procedure]~~.

11 SECTION 21. Section 37.303, Education Code, is amended to
12 read as follows:

13 Sec. 37.303. REMOVAL OF REGISTERED SEX OFFENDER FROM
14 REGULAR CLASSROOM.

15 Notwithstanding any provision of Subchapter A, on receiving
16 notice under Article 15.27, Code of Criminal Procedure, or Chapter
17 62, Code of Criminal Procedure, that a student is required to
18 register as a sex offender under that chapter, a school district may
19 ~~[shall]~~ remove the student from the regular classroom and determine
20 the appropriate placement of the student in the manner provided by
21 this subchapter.

22 SECTION 22. Section 37.305, Education Code, is redesignated
23 as Section 37.304, Education Code and amended to read as follows:

24 Sec. 37.304 ~~[37.305]~~. PLACEMENT OF REGISTERED SEX OFFENDER
25 ~~[WHO IS NOT UNDER COURT SUPERVISION]~~.

26 A school district may place a student to whom this subchapter
27 applies ~~[and who is not under any form of court supervision]~~ in the

1 appropriate alternative education program as provided by Section
2 37.309 for one semester or in the regular classroom. The district
3 may not place the student in the regular classroom if the district
4 board of trustees determines that the student's presence in the
5 regular classroom: (1) threatens the safety of other students or
6 teachers;

7 (2) will be detrimental to the educational process; or

8 (3) is not in the best interests of the district's students.

9 SECTION 23. Section 37.306, Education Code, is redesignated
10 as Section 37.305, Education Code and amended by amending
11 Subsection (a) to read as follows:

12 Sec. 37.305 [~~37.306~~]. REVIEW OF PLACEMENT IN ALTERNATIVE
13 EDUCATION PROGRAM.

14 (a) At the end of the first semester of a student's
15 placement in an alternative education program under Section 37.304
16 [~~or 37.305~~], the school district board of trustees shall convene a
17 committee to review the student's placement in the alternative
18 education program. The committee must be composed of: (1) a
19 classroom teacher from the campus to which the student would be
20 assigned were the student not placed in an alternative education
21 program;

22 (2) the student's parole or probation officer or, in the
23 case of a student who does not have a parole or probation officer, a
24 representative of the local juvenile probation department;

25 (3) an instructor from the alternative education program to
26 which the student is assigned;

27 (4) a school district designee selected by the board of

1 trustees; and

2 (5) a school counselor employed by the school district.

3 SECTION 24. Section 37.307, Education Code, is redesignated
4 as Section 37.306, Education Code and amended by amending
5 Subsection (b) to read as follows:

6 Sec. 37.306 [~~37.307~~]. PLACEMENT AND REVIEW OF STUDENT WITH
7 DISABILITY.

8 (b) The review under Section 37.305 [~~37.306~~] of the
9 placement of a student with a disability who receives special
10 education services may be made only by a duly constituted
11 admission, review, and dismissal committee. The admission, review,
12 and dismissal committee may request that the board of trustees
13 convene a committee described by Section 37.305(a) [~~37.306(a)~~] to
14 assist the admission, review, and dismissal committee in conducting
15 the review.

16 SECTION 25. Section 37.308, Education Code, is redesignated
17 as Section 37.307, Education Code and amended to read as follows:

18 Sec. 37.307 [~~37.308~~]. TRANSFER OF REGISTERED SEX OFFENDER.

19 Except as provided by Section 37.304(b), a school district
20 shall determine whether to place a student to whom this subchapter
21 applies and who transfers to the district in the appropriate
22 alternative education program as provided by Section 37.308
23 [~~37.309~~] or in a regular classroom. The school district shall
24 follow the procedures specified under Section 37.305 [~~37.306~~] in
25 making the determination.

26 SECTION 26. Section 37.309, Education Code, is redesignated
27 as Section 37.308, Education Code.

1 SECTION 27. Section 51.073(d-1), Family Code, is amended to
2 read as follows:

3 (d-1) On the final transfer of a case involving a child who
4 has been adjudicated as having committed an offense for which
5 registration is [~~required~~] ordered under Chapter [~~62, Code of~~
6 ~~Criminal Procedure~~] 54A, the receiving county shall have
7 jurisdiction to conduct a hearing under that chapter. This
8 subsection does not prohibit the receiving county juvenile court
9 from considering the written recommendations of the sending county
10 juvenile court.

11 SECTION 28. Section 54.03, Family Code, is amended by
12 adding Subsection (k) to read as follows:

13 (k) If the court or jury found at the conclusion of the
14 adjudication hearing that the child engaged in delinquent conduct
15 that constitutes a reportable adjudication under Section
16 54A.01(2), the child is not required to register as a sex offender
17 unless there is a court order requiring registration under Chapter
18 54A.

19 SECTION 29. Section 54.0405, Family Code, is amended by
20 amending Subsections (a), (b), (c), (g), and (i) and adding
21 Subsections (j) to read as follows:

22 Sec. 54.0405. CHILD PLACED ON PROBATION FOR CONDUCT
23 CONSTITUTING SEXUAL OFFENSE. (a) If a court or jury makes a
24 disposition under Section 54.04 in which a child described by
25 Subsection (b) is placed on probation the court:

26 (1) may require as a condition of probation that the
27 child:

1 (A) attend and successfully complete sex
2 offender treatment~~[, psychological counseling sessions for sex~~
3 ~~offenders]~~ as provided by Subsection (e); and

4 (B) submit to a polygraph examination as provided
5 by Subsection (f) for purposes of evaluating the child's treatment
6 progress; and

7 (2) shall require as a condition of probation that the
8 child~~+~~

9 ~~(A) register under Chapter 62, Code of Criminal~~
10 ~~Procedure; and~~

11 ~~[(B)]~~ submit a blood sample or other specimen to
12 the Department of Public Safety under Subchapter G, Chapter 411,
13 Government Code, for the purpose of creating a DNA record of the
14 child, unless the child has already submitted the required specimen
15 under other state law.

16 (b) This section applies to a child placed on probation for
17 conduct constituting an offense for which the child is ordered
18 ~~[required]~~ to register as a sex offender under ~~[this]~~ Chapter 54A
19 ~~[62, Code of Criminal Procedure]~~.

20 (c) Sex offender treatment ~~[Psychological counseling]~~
21 required as a condition of probation under Subsection (a) must be
22 with an individual or organization that:

23 (1) provides sex offender treatment ~~[or counseling]~~;

24 (2) is a sex offender treatment provider, as defined
25 by Section 110.001(7), Occupations Code, specified by the local
26 juvenile probation department supervising the child; and

27 (3) meets minimum standards of sex offender treatment

1 ~~[counseling]~~ established by the local juvenile probation
2 department in accordance with guidelines established by the council
3 on sex offender treatment providers and licensing or registry
4 standards.

5 (g) A court that requires ~~[as a condition of probation]~~ that
6 a child attend sex offender treatment ~~[psychological counseling]~~
7 under Subsection (a) may order the parent or guardian of the child
8 to:

9 (1) attend four sessions of instruction with an
10 individual or organization specified by the court relating to:

- 11 (A) sexual offenses;
- 12 (B) family communication skills;
- 13 (C) sex offender treatment;
- 14 (D) victims' rights;
- 15 (E) parental supervision; and
- 16 (F) appropriate sexual behavior; and

17 (2) during the period the child attends sex offender
18 treatment ~~[psychological counseling]~~, participate in monthly
19 treatment groups conducted by the child's treatment provider
20 relating to the child's sex offender treatment ~~[psychological~~
21 ~~counseling]~~.

22 (i) A court that requires as a condition of probation that a
23 child attend sex offender treatment ~~[psychological counseling]~~
24 under Subsection (a) may, before the date the probation period
25 ends, extend the probation for any additional period necessary to
26 complete the required treatment ~~[counseling]~~ as determined by the
27 treatment provider, except that the probation may not be extended

1 to a date after the date of the child's 18th birthday, or 19th
2 birthday if the child is placed on determinate sentence probation
3 under Section 54.04(q).

4 (j) A court that requires that a child attend sex offender
5 treatment under Subsection (a) shall require the individual or
6 organization specified by the court to promptly provide upon
7 request by the prosecuting attorney, the child's attorney or the
8 juvenile probation department a copy of a report that:

9 (1) describes the treatment of the child provided by
10 the individual or organization; and

11 (2) states the opinion of the treatment provider
12 whether the child would benefit from further treatment, or should
13 be successfully or unsuccessfully discharged from further
14 treatment.

15 SECTION 30. Section 54.0501, Family Code, is amended by
16 amending Subsections (g) and (h) to read as follows:

17 (g) If the juvenile court places the child on probation for
18 an offense for which registration as a sex offender may be ordered
19 under Chapter 54A [~~is required by Chapter 62, Code of Criminal~~
20 ~~Procedure, and defers the registration requirement until~~
21 ~~completion of treatment for the sex offense under Subchapter H,~~
22 ~~Chapter 62, Code of Criminal Procedure~~], the authority to enter
23 orders under Chapter 54A [~~under that article to reexamine the need~~
24 ~~for registration on completion of treatment~~] is transferred to the
25 court to which probation is transferred.

26 (h) If the juvenile court places the child on probation for
27 an offense for which registration as a sex offender may be ordered

1 under Chapter 54A [~~is required by Chapter 62, Code of Criminal~~
2 ~~Procedure~~], and the child registers, the authority of the court to
3 order early termination of registration [~~excuse further compliance~~
4 ~~with the registration requirement~~] under Section 54A [~~Subchapter H,~~
5 ~~Chapter 62, Code of Criminal Procedure~~], is transferred to the
6 court to which probation is transferred.

7 SECTION 31. Title 3, Family Code, is amended by adding
8 Chapter 54A to read as follows:

9 CHAPTER 54A. JUVENILE SEX OFFENDER REGISTRATION

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 54A.01. DEFINITIONS. In this chapter:

12 (1) "Public or private institution of higher
13 education" includes a college, university, community college, or
14 technical or trade institute.

15 (2) "Reportable adjudication" means an adjudication
16 of delinquent conduct that, regardless of the pendency of an
17 appeal, is an adjudication based on:

18 (A) a violation of Section 21.02 (Continuous
19 sexual abuse of young child or children), 21.11 (Indecency with a
20 child), 22.011 (Sexual assault), 22.021 (Aggravated sexual
21 assault), or 25.02 (Prohibited sexual conduct), Penal Code;

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

25 (C) a violation of Section 20.04(a)(4)
26 (Aggravated kidnapping), Penal Code, if the actor committed the
27 offense or engaged in the conduct with intent to violate or abuse

1 the victim sexually;

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

7 (E) the second violation of Section 21.08
8 (Indecent exposure), Penal Code;

9 (F) an attempt, conspiracy, or solicitation, as
10 defined by Chapter 15, Penal Code, to commit an offense or engage in
11 conduct listed in Paragraph (A), (B), (C), (D), or (J);

12 (G) a violation of the laws of another state,
13 federal law, the laws of a foreign country for or based on the
14 violation of an offense containing elements that are substantially
15 similar to the elements of an offense listed under Paragraph (A),
16 (B), (C), (D), (F), (I), or (J);

17 (H) the second violation of the laws of another
18 state, federal law, the laws of a foreign country for or based on
19 the violation of an offense containing elements that are
20 substantially similar to the elements of the offense of indecent
21 exposure;

22 (I) a violation of Section 33.021 (Online
23 solicitation of a minor), Penal Code; or

24 (J) a violation of Section 20A.02(a)(3), (4),
25 (7), or (8) (Trafficking of persons), Penal Code.

26 SUBCHAPTER B. JUVENILE SEX OFFENDER REGISTRATION

27 Sec. 54A.02. MOTION AND HEARING ON SEX OFFENDER

1 REGISTRATION. (a) After a disposition hearing for a reportable
2 offense described in 54A.01(2), the prosecuting attorney may file a
3 written motion requesting a hearing to require the child to
4 register as a sex offender:

5 (1) upon receipt of a report described in Section
6 54.0405(j) or 245.053(j), Human Resources Code from a licensed sex
7 offender treatment provider, as that term is defined in Section
8 110.001(7), Occupations Code, that the child has been
9 unsuccessfully discharged from sex offender treatment; or

10 (2) if the child has been adjudicated to have engaged
11 in delinquent conduct for an offense listed in Section 54A.01(2),
12 subsequent to a prior adjudication for an offense listed in Section
13 54A.01(2) for which the child has had an opportunity to complete
14 court-ordered sex offender treatment.

15 (b) A hearing under this Chapter is without a jury, and the
16 burden of persuasion is on the prosecuting attorney to show by a
17 preponderance of evidence that:

18 (1) the protection of the public would be increased by
19 registration under this section; and

20 (2) any increase in protection of the public resulting
21 from registration of the child clearly outweighs the anticipated
22 substantial harm to the child and the child's family that would
23 result from registration under this Chapter.

24 (c) Reasonable notice of a hearing to require sex offender
25 registration shall be given to all parties.

26 (d) The court at the hearing shall:

27 (1) consider all relevant evidence, including but not

1 limited to:

2 (i) the commission by the child of any other
3 sexual offense listed in Section 54A.01(2);

4 (ii) the conduct of the child in the
5 commission of the offense or offenses which are the subject of the
6 adjudication;

7 (iii) any physical, mental or emotional
8 harm to the victim as a result of the child's conduct;

9 (iv) the age of the child at the time of the
10 commission of the offense or offenses; and

11 (2) make its determination based on:

12 (i) the receipt of exhibits;

13 (ii) the testimony of witnesses;

14 (iii) representations of counsel for the
15 parties; or

16 (iv) the contents of a social history
17 report prepared by the juvenile probation department that may
18 include the results of testing and examination of the child by a
19 psychologist, psychiatrist, or counselor.

20 (e) All written matter considered by the court shall be
21 disclosed to all parties as provided by Section 54.04(b).

22 Sec. 54A.03. ORDER GENERALLY. (a) After a hearing under
23 Section 54A.02, if the court determines that the protection of the
24 public would be increased by registration under this Chapter and
25 any increase in protection of the public resulting from
26 registration of the child clearly outweighs the anticipated
27 substantial harm to the child and the child's family that would

1 result from registration under this section, the court shall enter
2 an order requiring a child to register as a sex offender in
3 accordance with the registration procedures set out in Chapter 62,
4 Code of Criminal Procedure, but providing that the registration
5 information is not public information and is restricted to use by
6 law enforcement and criminal justice agencies, the Council on Sex
7 Offender Treatment, the Department of Family and Protective
8 Services, and public or private institutions of higher education
9 and may not be posted on the internet or released to the public in
10 any manner.

11 (b) After a hearing under this Chapter, if the court finds
12 the prosecuting attorney has not met its burden regarding
13 registration, the court shall enter an order so stating and the
14 child shall not be required to register.

15 SUBCHAPTER C. REGISTRATION FOR CERTAIN PERSONS

16 Sec. 54A.04. PERSONS ALREADY REGISTERED. A person who has
17 registered under Chapter 62, Code of Criminal Procedure as a sex
18 offender for an adjudication of delinquent conduct prior to
19 September 1, 2017 and whose registration is on a public registry,
20 shall be automatically removed from the public registry and that
21 person's registration shall become nonpublic.

22 Sec. 54A.05. MOTION, HEARING, AND ORDER CONCERNING PERSON
23 WITH AN OUT-OF-STATE ADJUDICATION. The prosecuting attorney may
24 file a motion requesting sex offender registration of a person with
25 an out-of-state adjudication for an offense listed in Section
26 54A.01(2). The motion may be filed in the juvenile court of the
27 person's county of residence. On receipt of a motion under this

1 subsection, the juvenile court shall conduct a hearing and make
2 rulings as in other cases under 54A.02.

3 SUBCHAPTER D. APPEAL OF CERTAIN ORDERS

4 Sec. 54A.06. APPEAL OF CERTAIN ORDERS. (a)

5 Notwithstanding Section 56.01, Family Code, on entry by a juvenile
6 court of an order under Section 54A.03(b) or Section 54A.05(a)
7 denying the state's motion to require registration, the prosecuting
8 attorney may appeal that order by giving notice of appeal within the
9 time required under Rule 26.2(b), Texas Rules of Appellate
10 Procedure. The appeal is civil and the standard of review in the
11 appellate court is whether the juvenile court committed procedural
12 error or abused its discretion in exempting the person from
13 registration under this chapter. The appeal is limited to review of
14 the order denying the person from registration under this chapter
15 and may not include any other issues in the case.

16 (b) A child may under Section 56.01, Family Code, appeal a
17 juvenile court's order under Section 54A.03(a) requiring
18 registration in the same manner as the appeal of any other legal
19 issue in the case. The standard of review in the appellate court is
20 whether the juvenile court committed procedural error or abused its
21 discretion in ordering registration.

22 SUBCHAPTER E. EARLY TERMINATION OF OBLIGATION TO REGISTER

23 Sec. 54A.07. DEFINITION. In this subchapter, "council"
24 means the Council on Sex Offender Treatment.

25 Sec. 54A.08. INDIVIDUAL RISK ASSESSMENT. (a) The council
26 by rule shall establish, develop, or adopt an individual risk
27 assessment tool or a group of individual risk assessment tools

1 that:

2 (1) evaluates the criminal history of a person
3 required to register under this chapter; and

4 (2) seeks to predict:

5 (A) the likelihood that the person will engage in
6 criminal activity that may result in the person receiving a second
7 or subsequent reportable adjudication; and

8 (B) the continuing danger, if any, that the
9 person poses to the community.

10 (b) On the written request of a person with a single
11 reportable adjudication that appears on the nonpublic list compiled
12 by the Department of Public Safety under Article 62.402(b), the
13 council shall:

14 (1) evaluate the person using the individual risk
15 assessment tool or group of individual risk assessment tools
16 established, developed, or adopted under Subsection (a); and

17 (2) provide to the person a written report detailing
18 the outcome of an evaluation conducted under Subdivision (1).

19 Sec. 54A.09. MOTION FOR EARLY TERMINATION OF OBLIGATION TO
20 REGISTER. A person ordered to register under this Chapter for a
21 reportable adjudication, who has requested and received an
22 individual risk assessment under Section 54A.08, may file a motion
23 for early termination of the person's obligation to register under
24 this Chapter with the juvenile court that adjudicated the person.

25 (a) A motion filed under this section must be accompanied
26 by:

27 (1) A written explanation of how the reportable

1 adjudication giving rise to the person's registration under this
2 Chapter qualifies as a reportable adjudication; and

3 (2) A certified copy of a written report detailing the
4 outcome of an individual risk assessment evaluation conducted in
5 accordance with Section 54A.08.

6 Sec. 54A.10. HEARING ON PETITION. (a) After reviewing a
7 motion filed with the juvenile court under Section 54A.09, the
8 court may:

9 (1) deny without a hearing the person's request for
10 early termination; or

11 (2) hold a hearing on the motion to determine whether
12 to grant or deny the motion.

13 (b) The court may not grant a motion filed under Section
14 54A.09 if:

15 (1) the motion is not accompanied by the documents
16 required under Section 54A.09; or

17 (2) the court determines that the reportable
18 adjudication for which the person is ordered or required to
19 register under this Chapter is not a reportable adjudication for
20 which the person is required to register for a period that exceeds
21 the minimum required registration period under federal law.

22 Sec. 54A.11. COSTS OF INDIVIDUAL RISK ASSESSMENT AND OF
23 COURT. A person required to register under this Chapter who files a
24 motion for early termination of the person's registration
25 obligation under this Chapter is responsible for and shall remit to
26 the Council on Sex Offender Treatment and to the court, as
27 applicable, all costs associated with and incurred by the council

1 in providing the individual risk assessment or by the court in
2 holding a hearing under Section 54A.10.

3 Sec. 54A.12. EFFECT OF ORDER GRANTING EARLY TERMINATION.

4 (a) If, after notice to the person and to the prosecuting attorney
5 and a hearing, the court grants a motion filed under Section 54A.09
6 for early termination of a person's obligation to register under
7 this Chapter, the person's obligation to register under this
8 Chapter ends on the later of:

9 (1) the date the court enters the order of early
10 termination; or

11 (2) the date the person has paid each cost described by
12 Section 54A.11.

13 (b) If the court grants a motion filed under Section 54A.09
14 for early termination of a person's obligation to register under
15 this Chapter, all conditions of the person's parole, release to
16 mandatory supervision, or community supervision shall be modified
17 in accordance with the court's order.

18 SUBCHAPTER F. CONFLICT OF LAW

19 Sec. 54A.11 CONFLICT OF LAW. In the event of a conflict
20 between this Chapter and a provision of Chapter 62, Government
21 Code, the provisions of this Chapter shall prevail.

22 SECTION 32. Section 58.003(n), Family Code is amended to
23 read as follows:

24 (n) A record created or maintained under Chapter 62, Code of
25 Criminal Procedure as a result of registration based on an order
26 issued under Chapter 54A, may not be sealed under this section if
27 the person who is the subject of the record has a continuing

1 obligation to register under Chapter 62, Code of Criminal Procedure
2 [~~that chapter~~].

3 SECTION 33. Section 411.1473, Government Code is amended by
4 amending Subsection (a) to read as follows:

5 Sec. 411.1473. DNA RECORDS OF CERTAIN REGISTERED SEX
6 OFFENDERS. (a) This section applies only to a person who is
7 required to register under Chapter 62, Code of Criminal Procedure
8 as a result of a reportable conviction under that Chapter or a
9 person who is ordered to register under Chapter 54A, Family Code.

10 SECTION 34. Section 245.053, Human Resources Code, is
11 amended by amending Subsections (a), (b), (c), (g), and (i) and
12 adding Subsection (j) to read as follows:

13 Sec. 245.053. SEX OFFENDER COUNSELING AND TREATMENT. (a)
14 Before releasing a child described by Subsection (b) under
15 supervision, the department:

16 (1) may require as a condition of release that the
17 child:

18 (A) attend and successfully complete sex
19 offender treatment, [~~psychological counseling sessions for sex~~
20 ~~offenders~~] as provided by Subsection (e); and

21 (B) submit to a polygraph examination as provided
22 by Subsection (f) for purposes of evaluating the child's treatment
23 progress; and

24 (2) shall require as a condition of release that the
25 child[+]

26 ~~(A) register under Chapter 62, Code of Criminal~~
27 ~~Procedure, and~~

1 ~~(B)~~] submit a blood sample or other specimen to
2 the Department of Public Safety under Subchapter G, Chapter 411,
3 Government Code, for the purpose of creating a DNA record of the
4 child, unless the child has already submitted the required specimen
5 under other state law.

6 (b) This section applies to a child adjudicated for engaging
7 in delinquent conduct constituting an offense for which the child
8 is ordered ~~[required]~~ to register as a sex offender under Chapter
9 54A, Family Code ~~[62, Code of Criminal Procedure]~~.

10 (c) Sex offender treatment ~~[Psychological counseling]~~
11 required as a condition of release under Subsection (a) must be with
12 an individual or organization that:

- 13 (1) provides sex offender treatment or counseling;
14 (2) is a sex offender treatment provider, as defined
15 by Section 110.001(7), Occupations Code, specified by the
16 department; and
17 (3) meets minimum standards of counseling established
18 by the department in accordance with the guidelines established by
19 the council on sex offender treatment providers and licensing or
20 registry standards.

21 (g) If the department requires as a condition of release
22 that a child attend sex offender treatment ~~[psychological~~
23 ~~counseling]~~ under Subsection (a), the department shall notify the
24 court that committed the child to the department. After receiving
25 notification from the department under this subsection, the court
26 may order the parent or guardian of the child to:

- 27 (1) attend four sessions of instruction with an

1 individual or organization specified by the department relating to:

- 2 (A) sexual offenses;
- 3 (B) family communication skills;
- 4 (C) sex offender treatment;
- 5 (D) victims' rights;
- 6 (E) parental supervision; and
- 7 (F) appropriate sexual behavior; and

8 (2) during the time the child attends sex offender
9 treatment, [~~psychological counseling~~], participate in monthly
10 treatment groups conducted by the child's treatment provider
11 relating to the child's sex offender treatment [~~psychological~~
12 ~~counseling~~].

13 (i) If the department requires as a condition of release
14 that a child attend sex offender treatment [~~psychological~~
15 ~~counseling~~] under Subsection (a), the department may, before the
16 date the period of release ends, petition the appropriate court to
17 request the court to extend the period of release for an additional
18 period necessary to complete the required sex offender treatment
19 [~~counseling~~] as determined by the treatment provider, except that
20 the release period may not be extended to a date after the date of
21 the child's 18th birthday.

22 (j) If the department requires as a condition of release
23 that a child attend sex offender treatment under subsection (a),
24 the department shall require the individual or organization
25 specified by the department to promptly provide upon request of the
26 department, the prosecuting attorney, or the child's attorney, a
27 copy of a report that:

1 (1) describes the treatment of the child provided by
2 the individual or organization; and

3 (2) states the opinion of the treatment provider
4 whether the child would benefit from further treatment, or should
5 be successfully discharged from further treatment.

6 SECTION 35. Section 110.001, Occupations Code, is amended
7 by adding Subdivision (7-a) to read as follows:

8 (7-a) "Sexual behavior educator/paraprofessional"
9 means a person, licensed by the council and recognized based on
10 training and experience to provide psychoeducational and
11 skills-based interventions to juveniles with sexual behavior
12 problems who have been adjudicated or referred to a state agency or
13 a court.

14 SECTION 36. Section 110.151, Occupations Code, is amended
15 by amending Subdivision (3) and adding Subdivision (2-a) to read as
16 follows:

17 Sec. 110.151. TREATMENT FOR SEX OFFENDERS. The council
18 shall:

19 (1) develop treatment strategies for sex offenders by
20 evaluating in-state and out-of-state programs for sex offender
21 treatment;

22 (2) set standards for treatment of sex offenders that
23 must be met by sex offender treatment providers to be eligible for a
24 license under this chapter;

25 (2-a) set standards for residential programs offering
26 treatment to juveniles with sexual behavior problems; and

27 (3) recommend to licensing and regulatory boards and

1 to the directors of current programs methods of improving
2 residential programs to meet council standards.

3 SECTION 37. Section 110.152, Occupations Code, is amended
4 by amending Subsection (2)(A) and adding Subdivision (A-1) to read
5 as follows:

6 Sec. 110.152. LIST AND LICENSE REQUIREMENTS. The council
7 shall:

8 (1) maintain a list of sex offender treatment
9 providers under Section 110.161; and

10 (2) develop and implement by rule under Subchapter G:

11 (A) topic-specific training requirements for
12 providers working with juveniles [~~license requirements~~]; [~~and~~]

13 (A-1) license requirements; and

14 (B) procedures for sex offender treatment
15 providers.

16 SECTION 38. Section 110.157, Occupations Code, is amended
17 to read as follows:

18 Sec. 110.157. CONTINUING EDUCATION PROGRAMS. The council
19 shall design and conduct continuing education programs for sex
20 offender treatment providers. Continuing education programs shall
21 not serve as a substitute for the training curriculum required for
22 initial licensure. Continuing education programs shall offer
23 topics specific for specialized populations, including juveniles,
24 females, and individuals with developmental or intellectual
25 disabilities.

26 SECTION 39. Section 110.164, Occupations Code, is amended
27 by adding Subsection (c) to read as follows:

1 (c) The council shall develop or adopt a dynamic risk
2 assessment tool for use as part of an assessment battery to be
3 administered in determining that a juvenile adjudicated for a
4 sexual offense and ordered to register under Chapter 54A, Family
5 Code, will be subject to registration requirements.

6 SUBCHAPTER E. INTERAGENCY ADVISORY COMMITTEE

7 SECTION 40. Section 110.302, Occupations Code, is amended
8 by amending Subsection (c) to read as follows:

9 (c) The Texas Board of Criminal Justice may vote to exempt
10 employees of the Texas Department of Criminal Justice from a
11 specific licensing requirement imposed under this section if the
12 board determines that the requirement causes financial or
13 operational hardship on the agency. The Texas Juvenile Justice
14 Department [~~Youth Commission~~] may not exempt any employee of the
15 commission from a licensing requirement imposed by this section for
16 any reason.

17 (c) The governing board of the Texas Juvenile Justice
18 Department [~~Youth Commission~~] may vote to exempt employees of the
19 Texas Youth Commission from a specific licensing requirement
20 imposed under this section if the board determines that the
21 requirement causes financial or operational hardship on the agency.
22 The Texas Board of Criminal Justice may not exempt any employee of
23 the Texas Department of Criminal Justice from a licensing
24 requirement imposed by this section for any reason.

25 SECTION 41. Subchapter H, Chapter 62, Code of Criminal
26 Procedure, is repealed.

27 SECTION 42. Section 37.304, Education Code, as added by

H.B. No. 2879

1 Acts 2007, 80th Leg., R.S., Ch. 1240 (H.B. 2532), Sec. 3, eff. June
2 15, 2007, and as added by Acts 2007, 80th Leg., R.S., Ch. 1291 (S.B.
3 6), Sec. 3, eff. September 1, 2007, is repealed.

4 SECTION 43. This Act takes effect September 1, 2017.