

By: Kolkhorst

S.B. No. 811

A BILL TO BE ENTITLED

AN ACT

relating to sex offender registration and a prohibition on certain registered sex offenders from being in a motor vehicle with a minor who is not a family member.

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

SECTION 1. Article 62.001(5), Code of Criminal Procedure, is amended 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 43.03 (Promotion of prostitution), 43.04 (Aggravated promotion of prostitution), 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(b) [43.02] (Prostitution), Penal Code [~~if the offense is punishable under Subsection (c)(3) of that section~~];

1 (C) a violation of Section 20.04(a)(4)  
2 (Aggravated kidnapping), Penal Code, if the actor committed the  
3 offense or engaged in the conduct with intent to violate or abuse  
4 the victim sexually;

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

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

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

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

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

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

25 (H) a violation of the laws of another state,  
26 federal law, the laws of a foreign country, or the Uniform Code of  
27 Military Justice for or based on the violation of an offense

1 containing elements that are substantially similar to the elements  
2 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),  
3 (G), (J), [~~or~~] (K), or (L), but not if the violation results in a  
4 deferred adjudication;

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

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

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

15 (L) a violation of Section 20A.03 (Continuous  
16 trafficking of persons), Penal Code, if the offense is based partly  
17 or wholly on conduct that constitutes an offense under Section  
18 20A.02(a)(3), (4), (7), or (8) of that code.

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

21 (a) Before a person who will be subject to registration  
22 under this chapter is due to be released from a penal institution,  
23 the Texas Department of Criminal Justice or the Texas Juvenile  
24 Justice Department shall determine the person's level of risk to  
25 the community using the sex offender screening tool developed or  
26 selected under Article 62.007 and assign to the person a numeric  
27 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) for a person with a reportable conviction or  
20 adjudication, other than a reportable conviction or adjudication  
21 described by Article 62.001(5)(F) or (I), that is for or based on an  
22 offense occurring on or after September 1, 2017, the person may not  
23 be in a motor vehicle with a minor who is not a family member, as  
24 provided by Article 62.064;

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

1 the statement, certify that the person was so informed;

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

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

8 SECTION 3. Article [62.058](#), Code of Criminal Procedure, is  
9 amended by adding Subsection (g) to read as follows:

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

14 SECTION 4. Subchapter B, Chapter [62](#), Code of Criminal  
15 Procedure, is amended by adding Article 62.064 to read as follows:

16 Art. 62.064. CERTAIN MINORS IN MOTOR VEHICLES PROHIBITED.

17 (a) In this article:

18 (1) "Family member" means a person related to another  
19 person within the third degree by consanguinity or affinity, as  
20 described by Subchapter B, Chapter [573](#), Government Code.

21 (2) "Minor" means an individual who is younger than 18  
22 years of age.

23 (b) A person subject to registration under this chapter  
24 because of a reportable conviction or adjudication, other than a  
25 reportable conviction or adjudication described by Article  
26 [62.001](#)(5)(F) or (I), may not be in a motor vehicle with a minor who  
27 is not a family member.

1 SECTION 5. Article 62.101(a), Code of Criminal Procedure,  
2 is amended to read as follows:

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

7 (1) a sexually violent offense;

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

10 (3) an offense under Section 20A.03, Penal Code, if  
11 based partly or wholly on conduct that constitutes an offense under  
12 Section 20A.02(a)(3), (4), (7), or (8) of that code;

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

19 (5) [~~4~~] an offense under Section 20.02, 20.03, or  
20 20.04, Penal Code, if:

21 (A) the judgment in the case contains an  
22 affirmative finding under Article 42.015 or, for a deferred  
23 adjudication, the papers in the case contain an affirmative finding  
24 that the victim or intended victim was younger than 17 years of age;  
25 and

26 (B) before or after the person is convicted or  
27 adjudicated for the offense under Section 20.02, 20.03, or 20.04,

1 Penal Code, the person receives or has received another reportable  
2 conviction or adjudication, other than an adjudication of  
3 delinquent conduct, for an offense or conduct that requires  
4 registration under this chapter; or

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

7           SECTION 6. The changes in law made by this Act in amending  
8 Chapter 62, Code of Criminal Procedure, apply only to a person who  
9 is required to register under Chapter 62, Code of Criminal  
10 Procedure, on the basis of a conviction or adjudication for or based  
11 on an offense committed on or after the effective date of this Act.  
12 A person who is required to register under Chapter 62, Code of  
13 Criminal Procedure, solely on the basis of a conviction or  
14 adjudication for or based on an offense committed before the  
15 effective date of this Act is governed by the law in effect on the  
16 date the offense was committed, and the former law is continued in  
17 effect for that purpose. For purposes of this section, an offense  
18 was committed before the effective date of this Act if any element  
19 of the offense occurred before that date.

20           SECTION 7. This Act takes effect September 1, 2017.