

By: Buckingham

S.B. No. 1041

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.

SECTION 2. Article 62.051(e), Code of Criminal Procedure, is amended to read as follows:

(e) Not later than the third day after a person's registering, the local law enforcement authority with whom the person registered shall send a copy of the registration form to the department ~~[and, if the person resides on the campus of a public or private institution of higher education, to any authority for campus security for that institution].~~

SECTION 3. 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

1 selected under Article 62.007 and assign to the person a numeric  
2 risk level of one, two, or three. Before releasing the person, an  
3 official of the penal institution shall:

4 (1) inform the person that:

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

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

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

26 (D) not later than the 10th day after the date on  
27 which the person arrives in another state in which the person

1 intends to reside, the person must register with the law  
2 enforcement agency that is identified by the department as the  
3 agency designated by that state to receive registration  
4 information, if the other state has a registration requirement for  
5 sex offenders;

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

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

16 (G) certain types of employment are prohibited  
17 under Article 62.063 for a person with a reportable conviction or  
18 adjudication for a sexually violent offense involving a victim  
19 younger than 14 years of age and occurring on or after September 1,  
20 2013; and

21 (H) certain locations of residence are  
22 prohibited under Article 62.064 for a person with a reportable  
23 conviction or adjudication for an offense occurring on or after  
24 September 1, 2017;

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 4. 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 5. (a) The change in law made by this Act in adding  
15 Article 62.064, Code of Criminal Procedure, applies only to a  
16 person who is required to register under Chapter 62, Code of  
17 Criminal Procedure, on the basis of a conviction or adjudication  
18 for an offense committed on or after the effective date of this Act.  
19 An offense committed before the effective date of this Act is  
20 governed by the law in effect on the date the offense was committed,  
21 and the former law is continued in effect for that purpose.

22 (b) A person who is required to register under Chapter 62,  
23 Code of Criminal Procedure, solely on the basis of a conviction or  
24 adjudication that occurs before the effective date of this Act is  
25 governed by the law in effect when the conviction or adjudication  
26 occurred, and the former law is continued in effect for that  
27 purpose.

1 SECTION 6. This Act takes effect September 1, 2017.