

By: West

S.B. No. 1800

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the applicability of sex offender registration
3 requirements to the offense of improper relationship between
4 educator and student.

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), 21.12 (Improper relationship between educator and
16 student), 22.011 (Sexual assault), 22.021 (Aggravated sexual
17 assault), or 25.02 (Prohibited sexual conduct), Penal Code;

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

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

24 (C) a violation of Section 20.04(a)(4)

1 (Aggravated kidnapping), Penal Code, if the actor committed the
2 offense or engaged in the conduct with intent to violate or abuse
3 the victim sexually;

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

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

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

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

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

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

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), but not if the violation results in a deferred
2 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.

13 SECTION 2. The change in law made by this Act applies only
14 to an offense committed on or after the effective date of this Act.
15 An offense committed before the effective date of this Act is
16 governed by the law in effect on the date the offense was committed,
17 and the former law is continued in effect for that purpose. For
18 purposes of this section, an offense was committed before the
19 effective date of this Act if any element of the offense occurred
20 before that date.

21 SECTION 3. This Act takes effect September 1, 2017.