

By: Rodríguez

S.B. No. 1828

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) complete the registration form for the person.

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

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

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

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

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

Art. 62.152. REGISTRATION OF CERTAIN WORKERS OR STUDENTS.

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

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

(2) resides in another state; and

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

(e) Notwithstanding Subsection (a), this article does not apply to a person who has a reportable conviction ~~[or 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" means
22 the Council on Sex Offender Treatment.

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

chapter].

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

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

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

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

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

(2) seeks to predict:

(A) the likelihood that the person will engage in 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
9 students.

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

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

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

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

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

1 (4) a school district designee selected by the board of
2 trustees; and

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

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

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

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

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

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

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

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

as Section 37.308, Education Code.

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

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

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

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

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

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

(1) may require as a condition of probation that the

child:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (i) A court that requires as a condition of probation that a
24 child attend sex offender treatment ~~[psychological counseling]~~
25 under Subsection (a) may, before the date the probation period
26 ends, extend the probation for any additional period necessary to
27 complete the required treatment ~~[counseling]~~ as determined by the

1 treatment provider, except that the probation may not be extended
2 to a date after the date of the child's 18th birthday, or 19th
3 birthday if the child is placed on determinate sentence probation
4 under Section 54.04(q).

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

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

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

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

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

27 (h) If the juvenile court places the child on probation for an

offense for which registration as a sex offender may be ordered
under Chapter 54A [~~is required by Chapter 62, Code of Criminal~~
~~Procedure~~], and the child registers, the authority of the court to
order early termination of registration [~~excuse further compliance~~
~~with the registration requirement~~] under Section 54A [~~Subchapter H,~~
~~Chapter 62, Code of Criminal Procedure~~], is transferred to the
court to which probation is transferred.

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

CHAPTER 54A. JUVENILE SEX OFFENDER REGISTRATION

SUBCHAPTER A. GENERAL PROVISIONS

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

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

(2) "Reportable adjudication" means an adjudication of
delinquent conduct that, regardless of the pendency of an appeal,
is an adjudication 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;

(C) a violation of Section 20.04(a)(4) (Aggravated
kidnapping), Penal Code, if the actor committed the offense or

1 engaged in the conduct with intent to violate or abuse the victim
2 sexually;

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

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

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

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

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

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

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

26 SUBCHAPTER B. JUVENILE SEX OFFENDER REGISTRATION

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

1 (a) After a disposition hearing for a reportable offense described
2 in 54A.01(2), the prosecuting attorney may file a written motion
3 requesting a hearing to require the child to register as a sex
4 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 in
11 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 commission of
5 the offense or offenses which are the subject of the adjudication;

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

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

10 (2) make its determination based on:

11 (i) the receipt of exhibits;

12 (ii) the testimony of witnesses;

13 (iii) representations of counsel for the parties;

14 or

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

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

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

an order requiring a child to register as a sex offender in accordance with the registration procedures set out in Chapter 62, Code of Criminal Procedure, but providing that the registration information is not public information and is restricted to use by law enforcement and criminal justice agencies, the Council on Sex Offender Treatment, the Department of Family and Protective Services, and public or private institutions of higher education and may not be posted on the internet or released to the public in any manner.

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

SUBCHAPTER C. REGISTRATION FOR CERTAIN PERSONS

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

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

1 rulings as in other cases under 54A.02.

2 SUBCHAPTER D. APPEAL OF CERTAIN ORDERS

3 Sec. 54A.06. APPEAL OF CERTAIN ORDERS. (a) Notwithstanding
4 Section 56.01, Family Code, on entry by a juvenile court of an order
5 under Section 54A.03(b) or Section 54A.05(a) denying the state's
6 motion to require registration, the prosecuting attorney may appeal
7 that order by giving notice of appeal within the time required under
8 Rule 26.2(b), Texas Rules of Appellate Procedure. The appeal is
9 civil and the standard of review in the appellate court is whether
10 the juvenile court committed procedural error or abused its
11 discretion in exempting the person from registration under this
12 chapter. The appeal is limited to review of the order denying the
13 person from registration under this chapter and may not include any
14 other issues in the case.

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

21 SUBCHAPTER E. EARLY TERMINATION OF OBLIGATION TO REGISTER

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

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

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

3 (2) seeks to predict:

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

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

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

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

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

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

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

26 (1) A written explanation of how the reportable
27 adjudication giving rise to the person's registration under this

1 Chapter qualifies as a reportable adjudication; and

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

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

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

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

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

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

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

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

1 holding a hearing under Section 54A.10.

2 Sec. 54A.12. EFFECT OF ORDER GRANTING EARLY TERMINATION. (a)
3 If, after notice to the person and to the prosecuting attorney and a
4 hearing, the court grants a motion filed under Section 54A.09 for
5 early termination of a person's obligation to register under this
6 Chapter, the person's obligation to register under this Chapter
7 ends on the later of:

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

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

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

17 SUBCHAPTER F. CONFLICT OF LAW

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

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

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

1 ~~[that chapter]~~.

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

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

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

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

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

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

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

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

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

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

27 (b) This section applies to a child adjudicated for engaging in

delinquent conduct constituting an offense for which the child is
ordered ~~[required]~~ to register as a sex offender under Chapter 54A,
Family Code ~~[62, Code of Criminal Procedure]~~.

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

(1) provides sex offender treatment or counseling;

(2) is a sex offender treatment provider, as defined by
Section 110.001(7), Occupations Code, specified by the department;
and

(3) meets minimum standards of counseling established by the
department in accordance with the guidelines established by the
council on sex offender treatment providers and licensing or
registry standards.

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

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

(A) sexual offenses;

(B) family communication skills;

(C) sex offender treatment;

(D) victims' rights;

(E) parental supervision; and

(F) appropriate sexual behavior; and

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

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

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

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

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

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

1 (7-a) "Sexual behavior educator/paraprofessional"
2 means a person, licensed by the council and recognized based on
3 training and experience to provide psychoeducational and
4 skills-based interventions to juveniles with sexual behavior
5 problems who have been adjudicated or referred to a state agency or
6 a court.

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

10 Sec. 110.151. TREATMENT FOR SEX OFFENDERS. The council
11 shall:

12 (1) develop treatment strategies for sex offenders by
13 evaluating in-state and out-of-state programs for sex offender
14 treatment;

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

18 (2-a) set standards for residential programs offering
19 treatment to juveniles with sexual behavior problems; and

20 (3) recommend to licensing and regulatory boards and
21 to the directors of current programs methods of improving
22 residential programs to meet council standards.

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

26 Sec. 110.152. LIST AND LICENSE REQUIREMENTS. The council
27 shall:

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

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

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

(A-1) license requirements; and

(B) procedures for sex offender treatment providers.

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

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

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

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

SUBCHAPTER E. INTERAGENCY ADVISORY COMMITTEE

SECTION 40. Section 110.302, Occupations Code, is amended by

amending Subsection (c) to read as follows:

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

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

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

SECTION 42. Section 37.304, Education Code, as added by Acts 2007, 80th Leg., R.S., Ch. 1240 (H.B. 2532), Sec. 3, eff. June 15, 2007, and as added by Acts 2007, 80th Leg., R.S., Ch. 1291 (S.B. 6), Sec. 3, eff. September 1, 2007, is repealed.

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