

By: Bucy

H.B. No. 1433

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a municipal utility district to
3 restrict sex offenders from child safety zones in the district;
4 creating an offense.

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

6 SECTION 1. Subchapter D, Chapter 54, Water Code, is amended
7 by adding Section 54.244 to read as follows:

8 Sec. 54.244. LIMITATIONS ON REGISTERED SEX OFFENDERS IN
9 DISTRICT. (a) In this section:

10 (1) "Child safety zone" means premises where children
11 commonly gather. The term includes a school, day-care facility,
12 playground, public or private youth center, public swimming pool,
13 video arcade facility, or other facility that regularly holds
14 events primarily for children. The term does not include a church,
15 as defined by Section 544.251, Insurance Code.

16 (2) "Playground," "premises," "school," "video arcade
17 facility," and "youth center" have the meanings assigned by Section
18 481.134, Health and Safety Code.

19 (3) "Registered sex offender" means an individual who
20 is required to register as a sex offender under Chapter 62, Code of
21 Criminal Procedure.

22 (b) To provide for the public safety, the board of a
23 district by rule may restrict a registered sex offender from going
24 in, on, or within a specified distance of a child safety zone in the

1 district.

2 (c) A person who violates a rule adopted by a district under
3 this section commits an offense. An offense under this subsection
4 is a Class C misdemeanor.

5 (d) It is an affirmative defense to prosecution of an
6 offense under the rule that the registered sex offender was in, on,
7 or within a specified distance of a child safety zone for a
8 legitimate purpose, including transportation of a child that the
9 registered sex offender is legally permitted to be with,
10 transportation to and from work, and other work-related purposes.

11 (e) The rule may establish a distance requirement described
12 by Subsection (b) at any distance of not more than 1,000 feet.

13 (f) The rule must establish procedures for a registered sex
14 offender to apply for an exemption from the rule.

15 (g) The rule must exempt a registered sex offender who
16 established residency in a residence located within the specified
17 distance of a child safety zone before the date the rule is adopted.
18 The exemption must apply only to:

19 (1) areas necessary for the registered sex offender to
20 have access to and to live in the residence; and

21 (2) the period the registered sex offender maintains
22 residency in the residence.

23 (h) A district that adopts a rule under this section shall
24 install signs indicating the child safety zone. The signs must be
25 installed at regular intervals at the distance specified under
26 Subsection (e).

27 SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2019.