

By: Calanni

H.B. No. 3031

A BILL TO BE ENTITLED

AN ACT

relating to sex offender registration for certain offenses involving a child victim.

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

SECTION 1. Article 42.015, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) In the trial of an offense under Section 33.021 or 43.02(b), Penal Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines beyond a reasonable doubt that the victim or intended victim was:

(1) younger than 14 years of age at the time of the offense; or

(2) believed by the defendant to be younger than 14 years of age at the time of the offense.

SECTION 2. Article 42A.105, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g) If a judge places on deferred adjudication community supervision a defendant charged with an offense under Section 33.021 or 43.02(b), Penal Code, the judge shall make an affirmative finding of fact and file a statement of that affirmative finding with the papers in the case if the judge determines beyond a reasonable doubt that the victim or intended victim was:

(1) younger than 14 years of age at the time of the

1 offense; or

2 (2) believed by the defendant to be younger than 14
3 years of age at the time of the offense.

4 SECTION 3. Article 62.101(a), Code of Criminal Procedure,
5 is amended to read as follows:

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

10 (1) a sexually violent offense;

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

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

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

22 (5) an offense under Section 20.02, 20.03, or 20.04,
23 Penal Code, if [+

24 [~~(A)~~] the judgment in the case contains an
25 affirmative finding under Article 42.015 or, for a deferred
26 adjudication, the papers in the case contain an affirmative finding
27 that the victim or intended victim was younger than 17 years of age;

1 ~~and~~

2 ~~[(B) before or after the person is convicted or~~
3 ~~adjudicated for the offense under Section 20.02, 20.03, or 20.04,~~
4 ~~Penal Code, the person receives or has received another reportable~~
5 ~~conviction or adjudication, other than an adjudication of~~
6 ~~delinquent conduct, for an offense or conduct that requires~~
7 ~~registration under this chapter; or]~~

8 (6) an offense under Section 33.021 or 43.02(b), Penal
9 Code, if the judgment in the case contains an affirmative finding
10 under Article 42.015 or, for a deferred adjudication, the papers in
11 the case contain an affirmative finding that the victim or intended
12 victim was:

13 (1) younger than 14 years of age at the time of the
14 offense; or

15 (2) believed by the defendant to be younger than 14
16 years of age at the time of the offense; or

17 (7) an offense under Section 43.23, Penal Code, that
18 is punishable under Subsection (h) of that section.

19 SECTION 4. Article 62.101, Code of Criminal Procedure, as
20 amended by this Act, applies only to a person who is required to
21 register under Chapter 62, Code of Criminal Procedure, solely on
22 the basis of a conviction or adjudication for an offense committed
23 on or after the effective date of this Act. A person who is required
24 to register under Chapter 62, Code of Criminal Procedure, on the
25 basis of a conviction or adjudication for an offense committed
26 before the effective date of this Act is governed by the law in
27 effect on the date the offense was committed, and the former law is

1 continued in effect for that purpose. For purposes of this section,
2 an offense was committed before the effective date of this Act if
3 any element of the offense occurred before that date.

4 SECTION 5. This Act takes effect September 1, 2019.