

By: Burns

H.B. No. 3105

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county to restrict sex offenders from child safety zones in the unincorporated area of the county.

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

SECTION 1. Subchapter Z, Chapter 351, Local Government Code, is amended by adding Section 351.905 to read as follows:

Sec. 351.905. LIMITATIONS ON REGISTERED SEX OFFENDERS IN UNINCORPORATED AREA OF COUNTY. (a) In this section:

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

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

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

(b) To provide for the public safety, the commissioners court of a county by order may restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the unincorporated area of the county.

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

7       (d) The order may establish a distance requirement  
8 described by Subsection (b) at any distance of not more than 1,000  
9 feet.

10       (e) The order may establish procedures for a registered sex  
11 offender to apply for and receive an exemption from the order.

12       (f) The order must exempt a registered sex offender who  
13 established residency in a residence located within the specified  
14 distance of a child safety zone before the date the order is  
15 adopted. The exemption must apply only to:

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

18               (2) the period the registered sex offender maintains  
19 residency in the residence.

20       SECTION 2. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2019.