

By: Fallon

S.B. No. 2227

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting a registered sex offender from residing within a certain distance of the residence of a victim of any offense committed by the offender for which the offender is subject to registration.

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

SECTION 1. Article 62.053(a), Code of Criminal Procedure, as amended by Chapters 329 (H.B. 355) and 924 (S.B. 1553), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(a) Before a person who will be subject to registration under this chapter is due to be released from a penal institution, the Texas Department of Criminal Justice or the Texas Juvenile Justice Department shall determine the person's level of risk to the community using the sex offender screening tool developed or selected under Article 62.007 and assign to the person a numeric risk level of one, two, or three. Before releasing the person, an official of the penal institution shall:

(1) inform the person that:

(A) not later than the later of the seventh day after the date on which the person is released or after the date on which the person moves from a previous residence to a new residence in this state or not later than the first date the applicable local law enforcement authority by policy allows the person to register

1 or verify registration, the person must register or verify
2 registration with the local law enforcement authority in the
3 municipality or county in which the person intends to reside;

4 (B) not later than the seventh day after the date
5 on which the person is released or the date on which the person
6 moves from a previous residence to a new residence in this state,
7 the person must, if the person has not moved to an intended
8 residence, report to the applicable entity or entities as required
9 by Article 62.051(h) or (j) or 62.055(e);

10 (C) not later than the seventh day before the
11 date on which the person moves to a new residence in this state or
12 another state, the person must report in person to the local law
13 enforcement authority designated as the person's primary
14 registration authority by the department and to the juvenile
15 probation officer, community supervision and corrections
16 department officer, or parole officer supervising the person;

17 (D) not later than the 10th day after the date on
18 which the person arrives in another state in which the person
19 intends to reside, the person must register with the law
20 enforcement agency that is identified by the department as the
21 agency designated by that state to receive registration
22 information, if the other state has a registration requirement for
23 sex offenders;

24 (E) not later than the 30th day after the date on
25 which the person is released, the person must apply to the
26 department in person for the issuance of an original or renewal
27 driver's license or personal identification certificate and a

1 failure to apply to the department as required by this paragraph
2 results in the automatic revocation of any driver's license or
3 personal identification certificate issued by the department to the
4 person;

5 (F) the person must notify appropriate entities
6 of any change in status as described by Article 62.057;

7 (G) certain types of employment are prohibited
8 under Article 62.063 for a person with a reportable conviction or
9 adjudication for a sexually violent offense involving a victim
10 younger than 14 years of age and occurring on or after September 1,
11 2013; ~~and~~

12 (H) certain locations of residence are
13 prohibited under Article 62.064(1) ~~[62.064]~~ for a person with a
14 reportable conviction or adjudication for an offense occurring on
15 or after September 1, 2017, except as otherwise provided by that
16 article;

17 (I) except as provided by Article 62.064(2), the
18 person may not reside within 10 miles of the residence of a victim
19 of any offense occurring on or after September 1, 2019, for which
20 the person is subject to registration under this chapter; and

21 (J) ~~[(H)]~~ if the person enters the premises of a
22 school as described by Article 62.065 ~~[62.064]~~ and is subject to the
23 requirements of that article, the person must immediately notify
24 the administrative office of the school of the person's presence
25 and the person's registration status under this chapter;

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.

SECTION 2. Article 62.058(g), Code of Criminal Procedure, as added by Chapter 924 (S.B. 1553), Acts of the 85th Legislature, Regular Session, 2017, is redesignated as Article 62.058(h), Code of Criminal Procedure, and amended to read as follows:

(h) ~~[(g)]~~ A local law enforcement authority who provides a person with a registration form for verification as required by this chapter shall include with the form a statement and, if applicable, a description of the person's duty to provide notice under Article 62.065 ~~[62.064]~~.

SECTION 3. Article 62.064, Code of Criminal Procedure, as added by Chapter 329 (H.B. 355), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

Art. 62.064. PROHIBITED LOCATION OF RESIDENCE. A person subject to registration under this chapter may not reside:

(1) on the campus of a public or private institution of higher education unless:

(A) ~~[(1)]~~ the person is assigned a numeric risk level of one based on an assessment conducted using the sex offender screening tool developed or selected under Article 62.007; and

1 (B) [~~(2)~~] the institution approves the person to
2 reside on the institution's campus; or

3 (2) within 10 miles of the residence of a victim of any
4 offense for which the person is subject to registration under this
5 chapter, unless the victim changes the victim's residence to be
6 within 10 miles of the residence of the person.

7 SECTION 4. Article [62.064](#), Code of Criminal Procedure, as
8 added by Chapter 924 (S.B. 1553), Acts of the 85th Legislature,
9 Regular Session, 2017, is redesignated as Article 62.065, Code of
10 Criminal Procedure, to read as follows:

11 Art. [62.065](#) [~~[62.064](#)~~]. ENTRY ONTO SCHOOL PREMISES; NOTICE
12 REQUIRED. (a) In this article:

13 (1) "Premises" means a building or portion of a
14 building and the grounds on which the building is located,
15 including any public or private driveway, street, sidewalk or
16 walkway, parking lot, or parking garage on the grounds.

17 (2) "School" has the meaning assigned by Section
18 [481.134](#), Health and Safety Code.

19 (b) A person subject to registration under this chapter who
20 enters the premises of any school in this state during the standard
21 operating hours of the school shall immediately notify the
22 administrative office of the school of the person's presence on the
23 premises of the school and the person's registration status under
24 this chapter. The office may provide a chaperon to accompany the
25 person while the person is on the premises of the school.

26 (c) The requirements of this article:

27 (1) are in addition to any requirement associated with

the imposition of a child safety zone on the person under Section 508.187, Government Code, or Article 42A.453 of this code; and

(2) do not apply to:

(A) a student enrolled at the school;

(B) a student from another school participating at an event at the school; or

(C) a person who has entered into a written agreement with the school that exempts the person from those requirements.

SECTION 5. The changes in law made by this Act in amending Chapter 62, Code of Criminal Procedure, apply only to a person who is required to register under Chapter 62, Code of Criminal Procedure, on the basis of a conviction or adjudication for or based on an offense committed on or after the effective date of this Act. A person who is required to register under Chapter 62, Code of Criminal Procedure, solely on the basis of a conviction or adjudication for or based on an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 7. This Act takes effect September 1, 2019.