

By: Jetton, Leo-Wilson

H.B. No. 964

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of sex offender registration requirements to the offense of improper relationship between educator and student.

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

SECTION 1. Article 62.001(5), Code of Criminal Procedure, is amended 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 disabled individual), 21.09 (Bestiality), 21.11 (Indecency with a child), 21.12 (Improper relationship between educator and student), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a violation of Section 43.04 (Aggravated promotion of prostitution), 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 43.021 (Solicitation of Prostitution), Penal Code, if the offense is

1 punishable as a felony of the second degree;

2 (C) a violation of Section 20.04(a)(4)
3 (Aggravated kidnapping), Penal Code, if the actor committed the
4 offense or engaged in the conduct with intent to violate or abuse
5 the victim sexually;

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

11 (E) a violation of Section 20.02 (Unlawful
12 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
13 Penal Code, if, as applicable:

14 (i) the judgment in the case contains an
15 affirmative finding under Article 42.015; or

16 (ii) the order in the hearing or the papers
17 in the case contain an affirmative finding that the victim or
18 intended victim was younger than 17 years of age;

19 (F) the second violation of Section 21.08
20 (Indecent exposure), Penal Code, but not if the second violation
21 results in a deferred adjudication;

22 (G) an attempt, conspiracy, or solicitation, as
23 defined by Chapter 15, Penal Code, to commit an offense or engage in
24 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

25 (H) a violation of the laws of another state,
26 federal law, the laws of a foreign country, or the Uniform Code of
27 Military Justice for or based on the violation of an offense

1 containing elements that are substantially similar to the elements
2 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
3 (G), (J), (K), or (L), but not if the violation results in a
4 deferred adjudication;

5 (I) the second violation of the laws of another
6 state, federal law, the laws of a foreign country, or the Uniform
7 Code of Military Justice for or based on the violation of an offense
8 containing elements that are substantially similar to the elements
9 of the offense of indecent exposure, but not if the second violation
10 results in a deferred adjudication;

11 (J) a violation of Section 33.021 (Online
12 solicitation of a minor), Penal Code;

13 (K) a violation of Section 20A.02(a)(3), (4),
14 (7), or (8) (Trafficking of persons), Penal Code; or

15 (L) a violation of Section 20A.03 (Continuous
16 trafficking of persons), Penal Code, if the offense is based partly
17 or wholly on conduct that constitutes an offense under Section
18 20A.02(a)(3), (4), (7), or (8) of that code.

19 SECTION 2. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 governed by the law in effect on the date the offense was committed,
23 and the former law is continued in effect for that purpose. For
24 purposes of this section, an offense was committed before the
25 effective date of this Act if any element of the offense occurred
26 before that date.

27 SECTION 3. This Act takes effect September 1, 2023.