

By: Orr

H.B. No. 1409

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of certain counties to restrict sex  
3 offenders from child safety zones in certain portions of the  
4 unincorporated area of the county; creating a criminal offense.

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

6 SECTION 1. Subchapter [Z](#), Chapter [351](#), Local Government  
7 Code, is amended by adding Section 351.905 to read as follows:

8 Sec. 351.905. LIMITATIONS ON REGISTERED SEX OFFENDERS IN  
9 UNINCORPORATED AREA OF CERTAIN COUNTIES. (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 subject to the registration requirements of Chapter [62](#), Code of  
21 Criminal Procedure.

22 (b) This section applies only to a county with a population  
23 of 300,000 or less.

24 (c) To provide for the public safety, the commissioners

1 court of a county by order may restrict a registered sex offender  
2 from going in, on, or within a specified distance of a child safety  
3 zone located:

4 (1) in a school district with 500 or fewer students in  
5 enrollment; and

6 (2) in the unincorporated area of the county.

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

13 (e) The order may establish a distance requirement  
14 described by Subsection (c) at any distance of not more than 1,000  
15 feet.

16 (f) The order must establish procedures for a registered sex  
17 offender to apply for an exemption from the order.

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

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

24 (2) the period the registered sex offender maintains  
25 residency in the residence.

26 (h) A person commits an offense if the person violates an  
27 order adopted under this section. An offense under this subsection

1 is a Class C misdemeanor.

2 SECTION 2. This Act takes effect September 1, 2023.