By: King S.B. No. 2160

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; creating a criminal offense.

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 subject to the registration requirements of 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.

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

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

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

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

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

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

(g) A person commits an offense if the person violates an order adopted under this section and the order defines the violation as an offense. An offense under this subsection is a Class C misdemeanor.

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