

BILL ANALYSIS

Senate Research Center
89R8634 MZM-D

H.B. 2407
By: Capriglione (Hagenbuch)
Criminal Justice
5/25/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The sex offender registration program under which convicted sex offenders must register helps protect communities and prevent repeat offenses and is a critical tool for tracking offenders and ensuring that they comply with legal requirements designed to safeguard the public. Still, the failure of some sex offenders to comply with sex offender registration requirements remains a persistent issue and their evasion of these obligations can make it difficult for law enforcement to monitor their whereabouts and thus increases risks to public safety. Furthermore, the current penalties for failing to register as a sex offender may not be sufficient to deter noncompliance, especially for repeat offenders or those who deliberately attempt to avoid detection, and that repeat violations of sex offender registration requirements can create inconsistencies in sentencing due to variations in how prior offenses are considered, which can lead to uncertainty in court proceedings and hinder the ability to impose appropriate penalties for habitual noncompliance.

H.B. 2407 seeks to strengthen the state's commitment to public safety and improve enforcement mechanisms and deterrence by increasing the penalty for certain offenses involving the failure to comply with sex offender registration requirements to the next highest category of offense for certain offenders.

H.B. 2407 amends the Code of Criminal Procedure to revise provisions increasing the punishment for fraudulently using identifying information during the commission or attempted commission of the offense of failure to comply with sex offender registration requirements or for a subsequent commission or attempted commission of that offense to the punishment for the next highest degree of felony so that the offense itself is increased to the next highest category of offense.

H.B. 2407 amends current law relating to increasing the criminal penalty for the failure of certain sex offenders to comply with sex offender registration requirements.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Articles 62.102(c) and (d), Code of Criminal Procedure, as follows:

(c) Provides that, if it is shown at the trial of a person for an offense or an attempt to commit an offense under this article that the person has previously been convicted of an offense or an attempt to commit an offense under this article, the offense or the attempt to commit the offense is increased to the next highest category of offense, rather than the punishment for the offense or the attempt to commit the offense is increased to the punishment for the next highest degree of felony.

(d) Provides that, if it is shown at the trial of a person for an offense under this article or an attempt to commit an offense under this article that the person fraudulently used identifying information in violation of Section 32.51 (Fraudulent Use or Possession of

Identifying Information), Penal Code, during the commission or attempted commission of the offense, the offense or the attempt to commit the offense is increased to the next highest category of offense, rather than the punishment for the offense or the attempt to commit the offense is increased to the punishment for the next highest degree of felony.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.