

BILL ANALYSIS

H.B. 3087
By: Kerwin
Intergovernmental Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that under current law, certain registered sex offenders are prohibited from living within certain distances of child safety zones, including schools, playgrounds, and child-care facilities, but only if those properties are located within city limits. H.B. 3087 seeks to address this issue by providing for certain sex offenders to be restricted from residing in child safety zones in the unincorporated area of a county.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3087 amends the Local Government Code to authorize a county commissioners court by order to restrict a registered sex offender assigned to numeric risk level two or three using the sex offender screening tool developed or selected by the risk assessment review committee from going in, on, or within a specified distance of a child safety zone located in the unincorporated area of the county, for the purposes of providing for the public safety. The bill defines "child safety zone" as premises where children commonly gather, including 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, but not including a church, defined by reference under Insurance Code provisions regarding prohibited discrimination with respect to church property. The bill defines "playground," "premises," "school," "video arcade facility," and "youth center" by reference to provisions of the Texas Controlled Substances Act relating to drug-free zones.

H.B. 3087 authorizes such an order by a county commissioners court to establish a distance requirement at any distance of not more than 1,000 feet and to establish procedures for a registered sex offender to apply for and receive an exemption from the order. The bill requires an order to 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 and requires the exemption to apply only to the following:

- areas necessary for the registered sex offender to have access to and to live in the residence; and
- the period the registered sex offender maintains residency in the residence.

H.B. 3087 creates a Class C misdemeanor offense for a person who violates an order adopted under the bill. The bill establishes 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.

EFFECTIVE DATE

September 1, 2025.