

By: Capriglione

H.B. No. 2151

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of sex offender registration requirements to the offense of indecent assault.

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), 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 punishable as a felony of the second degree;

(C) a violation of Section 20.04(a)(4)

(Aggravated kidnapping), Penal Code, if the actor committed the offense or engaged in the conduct with intent to violate or abuse the victim sexually;

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

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

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

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

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

(F-1) the second violation of Section 22.012 (Indecent assault), Penal Code, but not if the second violation results in a deferred adjudication;

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

(H) a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of

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

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

12 (I-1) the second violation of the laws of another
13 state, federal law, the laws of a foreign country, or the Uniform
14 Code of Military Justice for or based on the violation of an offense
15 containing elements that are substantially similar to the elements
16 of the offense of indecent assault, but not if the second violation
17 results in a deferred adjudication;

18 (J) a violation of Section 33.021 (Online
19 solicitation of a minor), Penal Code;

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

22 (L) a violation of Section 20A.03 (Continuous
23 trafficking of persons), Penal Code, if the offense is based partly
24 or wholly on conduct that constitutes an offense under Section
25 20A.02(a)(3), (4), (7), or (8) of that code.

26 SECTION 2. Article 62.053(d), Code of Criminal Procedure,
27 is amended to read as follows:

1 (d) If a person who has a reportable conviction described by
 2 Article 62.001(5)(H), ~~[or]~~ (I), or (I-1) is placed under the
 3 supervision of the parole division of the Texas Department of
 4 Criminal Justice or a community supervision and corrections
 5 department under Section 510.017, Government Code, the division or
 6 community supervision and corrections department shall conduct the
 7 prerelease notification and registration requirements specified in
 8 this article on the date the person is placed under the supervision
 9 of the division or community supervision and corrections
 10 department. If a person who has a reportable adjudication of
 11 delinquent conduct described by Article 62.001(5)(H), ~~[or]~~ (I), or
 12 (I-1) is~~[, as permitted by Section 60.002, Family Code,]~~ placed
 13 under the supervision of the Texas Juvenile Justice Department
 14 ~~[Youth Commission]~~, a public or private vendor operating under
 15 contract with the Texas Juvenile Justice Department ~~[Youth~~
 16 ~~Commission]~~, a local juvenile probation department, or a juvenile
 17 secure pre-adjudication or post-adjudication facility, the
 18 department ~~[commission]~~, vendor, probation department, or facility
 19 shall conduct the prerelease notification and registration
 20 requirements specified in this article on the date the person is
 21 placed under the supervision of the department ~~[commission]~~,
 22 vendor, probation department, or facility.

23 SECTION 3. The change in law made by this Act applies only
 24 to an offense committed on or after the effective date of this Act.
 25 An offense committed before the effective date of this Act is
 26 governed by the law in effect on the date the offense was committed,
 27 and the former law is continued in effect for that purpose. For

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1 purposes of this section, an offense was committed before the
2 effective date of this Act if any element of the offense occurred
3 before that date.

4 SECTION 4. This Act takes effect September 1, 2025.