

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)

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

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

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

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

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

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

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

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

26 (H) a violation of the laws of another state,  
27 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

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.