

By: Kerwin, Orr, Lowe, et al.

H.B. No. 3087

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 COUNTIES. (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 assigned to numeric risk level two or three using the sex offender

1 screening tool developed or selected under Article 62.007, Code of
2 Criminal Procedure, from going in, on, or within a specified
3 distance of a child safety zone located in the unincorporated area
4 of the county.

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

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

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

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

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

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

24 (g) A person commits an offense if the person violates an
25 order adopted under this section. An offense under this subsection
26 is a Class C misdemeanor.

27 SECTION 2. This Act takes effect September 1, 2025.