

By: Kerwin

H.B. No. 3087

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a county to restrict sex offenders from
3 child safety zones in the unincorporated area of the county;
4 creating a criminal offense.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter [Z](#), Chapter [351](#), Local Government
7 Code, is amended by adding Section 351.905 to read as follows:

8 Sec. 351.905. LIMITATIONS ON REGISTERED SEX OFFENDERS IN
9 UNINCORPORATED AREA OF COUNTIES. (a) In this section:

10 (1) "Child safety zone" means premises where children
11 commonly gather. The term includes a school, day-care facility,
12 playground, public or private youth center, public swimming pool,
13 video arcade facility, or other facility that regularly holds
14 events primarily for children. The term does not include a church,
15 as defined by Section [544.251](#), Insurance Code.

16 (2) "Playground," "premises," "school," "video arcade
17 facility," and "youth center" have the meanings assigned by Section
18 [481.134](#), Health and Safety Code.

19 (3) "Registered sex offender" means an individual who
20 is subject to the registration requirements of Chapter [62](#), Code of
21 Criminal Procedure.

22 (b) To provide for the public safety, the commissioners
23 court of a county by order may restrict a registered sex offender
24 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.