

By: Schatzline

H.B. No. 5401

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of sex offender registration requirements to certain felonies based on the offense initially charged in the case.

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;

1 (C) a violation of Section 20.04(a)(4)
2 (Aggravated kidnapping), Penal Code, if the actor committed the
3 offense or engaged in the conduct with intent to violate or abuse
4 the victim sexually;

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

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

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

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

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

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

24 (H) a violation of the laws of another state,
25 federal law, the laws of a foreign country, or the Uniform Code of
26 Military Justice for or based on the violation of an offense
27 containing elements that are substantially similar to the elements

1 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
2 (G), (J), (K), or (L), but not if the violation results in a
3 deferred adjudication;

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

10 (J) a violation of Section 33.021 (Online
11 solicitation of a minor), Penal Code;

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

14 (L) a violation of Section 20A.03 (Continuous
15 trafficking of persons), Penal Code, if the offense is based partly
16 or wholly on conduct that constitutes an offense under Section
17 20A.02(a)(3), (4), (7), or (8) of that code; or

18 (M) a violation of any other offense punishable
19 as a felony, if a conviction or adjudication for the conduct
20 described in the initial filed charge in the case would have caused
21 the person to become subject to the registration requirements of
22 this chapter.

23 SECTION 2. Article 62.101, Code of Criminal Procedure, is
24 amended by adding Subsection (d) to read as follows:

25 (d) Notwithstanding any other provision of this article,
26 the duty to register for a person with a reportable conviction or
27 adjudication described by Article 62.001(5)(M) ends on the date

1 that a duty to register based on a conviction or adjudication
2 occurring with respect to the initial filed charge in the case would
3 have ended.

4 SECTION 3. The change in law made by this Act applies only
5 to an offense committed on or after the effective date of this Act.
6 An offense committed before the effective date of this Act is
7 governed by the law in effect on the date the offense was committed,
8 and the former law is continued in effect for that purpose. For
9 purposes of this section, an offense was committed before the
10 effective date of this Act if any element of the offense occurred
11 before that date.

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