By: Oliverson H.B. No. 1235

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting a sex offender from entering into a gestational agreement as an intended parent.

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

SECTION 1. Article 62.053(a), Code of Criminal Procedure, is amended to read as follows:

(a) Before a person who will be subject to registration under this chapter is due to be released from a penal institution, the Texas Department of Criminal Justice or the Texas Juvenile Justice Department shall determine the person's level of risk to the community using the sex offender screening tool developed or selected under Article 62.007 and assign to the person a numeric risk level of one, two, or three. Before releasing the person, an official of the penal institution shall:

(1) inform the person that:

(A) not later than the later of the seventh day after the date on which the person is released or after the date on which the person moves from a previous residence to a new residence in this state or not later than the first date the applicable local law enforcement authority by policy allows the person to register or verify registration, the person must register or verify registration with the local law enforcement authority in the municipality or county in which the person intends to reside;

(B) not later than the seventh day after the date

on which the person is released or the date on which the person moves from a previous residence to a new residence in this state, the person must, if the person has not moved to an intended residence, report to the applicable entity or entities as required by Article 62.051(h) or (j) or 62.055(e);

(C) not later than the seventh day before the date on which the person moves to a new residence in this state or another state, the person must report in person to the local law enforcement authority designated as the person's primary registration authority by the department and to the juvenile probation officer, community supervision and corrections department officer, or parole officer supervising the person;

(D) not later than the 10th day after the date on which the person arrives in another state in which the person intends to reside, the person must register with the law enforcement agency that is identified by the department as the agency designated by that state to receive registration information, if the other state has a registration requirement for sex offenders;

(E) not later than the 30th day after the date on which the person is released, the person must apply to the department in person for the issuance of an original or renewal driver's license or personal identification certificate and a failure to apply to the department as required by this paragraph results in the automatic revocation of any driver's license or personal identification certificate issued by the department to the person;

(F) the person must notify appropriate entities of any change in status as described by Article 62.057;

(G) certain types of employment are prohibited under Article 62.063 for a person with a reportable conviction or adjudication for a sexually violent offense involving a victim younger than 14 years of age and occurring on or after September 1, 2013;

(H) certain locations of residence are prohibited under Article 62.064 for a person with a reportable conviction or adjudication for an offense occurring on or after September 1, 2017, except as otherwise provided by that article; [~~and~~]

(I) if the person enters the premises of a school as described by Article 62.065 and is subject to the requirements of that article, the person must immediately notify the administrative office of the school of the person's presence and the person's registration status under this chapter; and

(J) the person is prohibited from entering into a gestational agreement described by Subchapter I, Chapter 160, Family Code, as an intended parent while the person is subject to registration under this chapter;

(2) require the person to sign a written statement that the person was informed of the person's duties as described by Subdivision (1) or Subsection (g) or, if the person refuses to sign the statement, certify that the person was so informed;

(3) obtain the address or, if applicable, a detailed description of each geographical location where the person expects

to reside on the person's release and other registration information, including a photograph and complete set of fingerprints; and

(4) complete the registration form for the person.

SECTION 2. Subchapter B, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.066 to read as follows:

Art. 62.066. GESTATIONAL AGREEMENT PROHIBITED. A person subject to registration under this chapter may not enter into a gestational agreement described by Subchapter I, Chapter 160, Family Code, as an intended parent.

SECTION 3. Section 160.756(b), Family Code, is amended to read as follows:

(b) The court may validate a gestational agreement as provided by Subsection (c) only if the court finds that:

(1) the parties have submitted to the jurisdiction of the court under the jurisdictional standards of this chapter;

(2) the medical evidence provided shows that the intended mother is unable to carry a pregnancy to term and give birth to the child or is unable to carry the pregnancy to term and give birth to the child without unreasonable risk to her physical or mental health or to the health of the unborn child;

(3) unless waived by the court, an agency or other person has conducted a home study of the intended parents and has determined that the intended parents meet the standards of fitness applicable to adoptive parents;

(4) each party to the agreement has voluntarily entered into and understands the terms of the agreement;

(5) the prospective gestational mother has had at least one previous pregnancy and delivery and carrying another pregnancy to term and giving birth to another child would not pose an unreasonable risk to the child's health or the physical or mental health of the prospective gestational mother; [~~and~~]

(6) the parties have adequately provided for which party is responsible for all reasonable health care expenses associated with the pregnancy, including providing for who is responsible for those expenses if the agreement is terminated; and

(7) neither intended parent is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

SECTION 4. Subchapter I, Chapter 160, Family Code, is amended by adding Section 160.764 to read as follows:

Sec. 160.764. GESTATIONAL AGREEMENT WITH REGISTERED SEX OFFENDER PROHIBITED. A gestational agreement is void and unenforceable if an intended parent that is a party to the agreement was required to register as a sex offender under Chapter 62, Code of Criminal Procedure, on the date the gestational agreement was entered into.

SECTION 5. The change in law made by this Act applies to a gestational agreement entered into on or after the effective date of this Act. A gestational agreement entered into before the effective date of this Act is governed by the law in effect on the date the agreement was entered into, and the former law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2027.