

By: Shapiro

S.B. No. 1740

A BILL TO BE ENTITLED

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AN ACT

relating to the prosecution of certain sexual offenses and to the registration and supervision of sex offenders.

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

SECTION 1. Article 42.015, Code of Criminal Procedure, is amended to read as follows:

Art. 42.015. FINDING OF AGE OF VICTIM AND RELATIONSHIP OF ACTOR AND VICTIM. In the trial of an offense under Section 20.02, 20.03, or 20.04, Penal Code, or an attempt, conspiracy, or solicitation to commit one of those offenses, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that:

(1) the victim or intended victim was younger than 18 [~~17~~] years of age at the time of the offense; and

(2) the actor was not the parent or guardian of the victim or intended victim.

SECTION 2. Article 42.017, Code of Criminal Procedure, is amended to read as follows:

Art. 42.017. FINDING REGARDING AGE-BASED OFFENSE. In the trial of an offense under Section 15.031, 21.11, [~~22.011, 22.021~~], or 43.25, Penal Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment in the case if the judge determines that:

(1) at the time of the offense, the [~~defendant was~~

1 ~~younger than 19 years of age and the]~~ victim or intended victim was
2 a child of at least 13 years of age and the defendant was not more
3 than three years older than the victim or intended victim; and

4 (2) the conviction is based solely on the ages of the
5 defendant and the victim or intended victim at the time of the
6 offense.

7 SECTION 3. Subsection (g), Section 5, Article 42.12, Code
8 of Criminal Procedure, is amended to read as follows:

9 (g) If a judge places on community supervision under this
10 section a defendant charged with an offense under Section 15.031,
11 21.11, 22.011, 22.021, or 43.25, Penal Code, the judge shall make an
12 affirmative finding of fact and file a statement of that
13 affirmative finding with the papers in the case if the judge
14 determines that:

15 (1) at the time of the offense, the [~~defendant was~~
16 ~~younger than 19 years of age and the]~~ victim or intended victim was
17 a child of at least 13 years of age and the defendant was not more
18 than three years older than the victim or intended victim; and

19 (2) the charge to which the plea is entered under this
20 section is based solely on the ages of the defendant and the victim
21 or intended victim at the time of the offense.

22 SECTION 4. Subdivision (5), Article 62.001, Code of
23 Criminal Procedure, as renumbered from former Subdivision (5),
24 Article 62.01, Code of Criminal Procedure, and amended by Chapter
25 1008, Acts of the 79th Legislature, Regular Session, 2005, is
26 reenacted and amended to conform to an amendment to former
27 Subdivision (5), Article 62.01 by Chapter 1273, Acts of the 79th

1 Legislature, Regular Session, 2005, and further amended to read as
2 follows:

3 (5) "Reportable conviction or adjudication" means a
4 conviction or adjudication, including an adjudication of
5 delinquent conduct or a deferred adjudication, that, regardless of
6 the pendency of an appeal, is a conviction for or an adjudication
7 for or based on:

8 (A) a violation of Section 21.11 (Indecency with
9 a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual
10 assault), or 25.02 (Prohibited sexual conduct), Penal Code;

11 (B) a violation of Section 43.05 (Compelling
12 prostitution), 43.25 (Sexual performance by a child), or 43.26
13 (Possession or promotion of child pornography), Penal Code;

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

18 (D) a violation of Section 30.02 (Burglary),
19 Penal Code, if the offense or conduct is punishable under
20 Subsection (d) of that section and the actor committed the offense
21 or engaged in the conduct with intent to commit a felony listed in
22 Paragraph (A) or (C) of this subdivision;

23 (E) a violation of Section 20.02 (Unlawful
24 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
25 Penal Code, if, as applicable:

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

1 (ii) the order in the hearing or the papers
2 in the case contain an affirmative finding that the victim or
3 intended victim was younger than 18 [~~17~~] years of age and that the
4 actor was not the parent or guardian of the victim or intended
5 victim;

6 (F) a violation of Section 15.031 (Criminal
7 solicitation of a minor), Penal Code, if the offense or conduct:

8 (i) is described by Section 15.031(a),
9 Penal Code, and involves an offense described by Paragraph (C) of
10 this subdivision; or

11 (ii) is described by Section 15.031(b),
12 Penal Code;

13 (G) a violation of Section 19.03(a)(2) (Capital
14 murder), Penal Code, if the murder is committed in the course of
15 committing an offense under Section 22.021 (Aggravated sexual
16 assault), Penal Code, or an offense described by Paragraph (C) or
17 (D) of this subdivision;

18 (H) a violation of Section 20A.02(a)(2)
19 (Trafficking of persons), Penal Code, if the victim or intended
20 victim is younger than 18 years of age at the time the violation
21 occurred;

22 (I) a violation of Section 21.12 (Improper
23 relationship between educator and student) or 21.15 (Improper
24 photography or visual recording), Penal Code, if the victim or
25 intended victim is younger than 18 years of age at the time the
26 violation occurred;

27 (J) a violation of Section 33.021 (Online

1 solicitation of a minor), Penal Code;

2 (K) a violation of Section 39.04(a)(2) (Improper
3 sexual activity with person in custody), Penal Code;

4 (L) a violation of Section 43.02(a)(2)
5 (Prostitution), Penal Code, if the person whom the actor solicits
6 is younger than 18 years of age at the time of the solicitation;

7 (M) a violation of Section 43.03(a)(2)
8 (Promotion of prostitution), Penal Code, if the actor solicits
9 another to engage in sexual conduct with a person who is younger
10 than 18 years of age at the time of the solicitation;

11 (N) a violation of Section 43.23 (Obscenity),
12 Penal Code, that is punishable under Subsection (h) of that
13 section;

14 (O) a violation of Section 71.02 (Engaging in
15 organized criminal activity), Penal Code, if the actor commits or
16 conspires to commit a violation:

17 (i) of Section 22.011 (Sexual assault) or
18 22.021 (Aggravated sexual assault), Penal Code; or

19 (ii) described by Paragraph (C), (D), or
20 (G) of this subdivision;

21 (P) the second violation of Section 21.08
22 (Indecent exposure), Penal Code[~~but not if the second violation~~
23 ~~results in a deferred adjudication];~~

24 (Q) [~~(G)~~] an attempt or[~~]~~ conspiracy, [~~or~~
25 ~~solicitation,~~] as defined by Chapter 15, Penal Code, to commit an
26 offense or engage in conduct described by this subdivision [~~listed~~
27 ~~in Paragraph (A), (B), (C), (D), or (E)];~~

1 (R) a solicitation, as defined by Chapter 15,
2 Penal Code, and other than a solicitation described by Paragraph
3 (F), to commit an offense or engage in conduct listed in Paragraph
4 (A), (B), (C), (D), or (E);

5 (S) [~~(H)~~] a violation of a local ordinance or
6 order, the laws of another state, the United States [~~federal law~~],
7 [~~the laws of~~] a foreign country, or a federally recognized Indian
8 tribe, the Uniform Code of Military Justice, or any other criminal
9 law for or based on the violation of an offense containing elements
10 that are substantially similar to the elements of an offense
11 described by this subdivision, other than an offense described by
12 Paragraph (P) [~~listed under Paragraph (A), (B), (C), (D), (E), or~~
13 (G), but not if the violation results in a deferred adjudication];
14 or

15 (T) [~~(I)~~] the second violation of a local
16 ordinance or order, the laws of another state, the United States
17 [~~federal law~~], [~~the laws of~~] a foreign country, or a federally
18 recognized Indian tribe, the Uniform Code of Military Justice, or
19 any other criminal law for or based on the violation of an offense
20 containing elements that are substantially similar to the elements
21 of the offense of indecent exposure[~~, but not if the second~~
22 violation results in a deferred adjudication].

23 SECTION 5. Subdivision (10), Article 62.001, Code of
24 Criminal Procedure, is amended to read as follows:

25 (10) "Extrajurisdictional registrant" means a person
26 who:

27 (A) is required to register as a sex offender

1 under:

2 (i) the laws of another state [~~with which~~
3 ~~the department has entered into a reciprocal registration~~
4 ~~agreement~~];

5 (ii) federal law or the Uniform Code of
6 Military Justice; or

7 (iii) the laws of a foreign country; and

8 (B) is not otherwise required to register under
9 this chapter because:

10 (i) the person does not have a reportable
11 conviction for an offense under the laws of the other state, federal
12 law, the laws of the foreign country, or the Uniform Code of
13 Military Justice containing elements that are substantially
14 similar to the elements of an offense requiring registration under
15 this chapter; or

16 (ii) the person does not have a reportable
17 adjudication of delinquent conduct based on a violation of an
18 offense under the laws of the other state, federal law, or the laws
19 of the foreign country containing elements that are substantially
20 similar to the elements of an offense requiring registration under
21 this chapter.

22 SECTION 6. Subchapter A, Chapter 62, Code of Criminal
23 Procedure, is amended by adding Article 62.0011 to read as follows:

24 Art. 62.0011. CLASSIFICATION OF REPORTABLE CONVICTIONS OR
25 ADJUDICATIONS. (a) For purposes of this chapter, a reportable
26 conviction or adjudication is a tier one reportable conviction or
27 adjudication if the conviction or adjudication is:

1 (1) a conviction or deferred adjudication that is not
2 described by Subsection (b) or (c); or

3 (2) an adjudication of delinquent conduct.

4 (b) For purposes of this chapter, a reportable conviction or
5 adjudication is a tier two reportable conviction or adjudication if
6 the conviction or adjudication is based on a violation of:

7 (1) Section 15.031(b) (Criminal solicitation of a
8 minor), Penal Code, if the actor requests, commands, or attempts to
9 induce a minor or a person the actor believes to be a minor to engage
10 in specific conduct that would constitute an offense under Section
11 43.25 (Sexual performance by a child), Penal Code;

12 (2) Section 20A.02(a)(2) (Trafficking of persons),
13 Penal Code, in the manner described by Article 62.001(5)(H);

14 (3) Section 21.11 (Indecency with a child), Penal
15 Code, other than a violation of that section described by
16 Subsection (c)(4) of this article;

17 (4) Section 43.02(a)(2) (Prostitution), Penal Code,
18 in the manner described by Article 62.001(5)(L);

19 (5) Section 43.03(a)(2) (Promotion of prostitution),
20 Penal Code, in the manner described by Article 62.001(5)(M); or

21 (6) Section 43.23 (Obscenity), Penal Code, that is
22 punishable under Subsection (h) of that section.

23 (c) For purposes of this chapter, a reportable conviction or
24 adjudication is a tier three reportable conviction or adjudication
25 if the conviction or adjudication is based on a violation of:

26 (1) Section 19.03(a)(2) (Capital murder), Penal Code,
27 in the manner described by Article 62.001(5)(G);

1 (2) Section 20.03 (Kidnapping) or 20.04 (Aggravated
2 kidnapping), Penal Code, if the victim or intended victim is
3 younger than 18 years of age at the time of the kidnapping and the
4 actor is not the parent or guardian of the victim or intended
5 victim;

6 (3) Section 20.04 (Aggravated kidnapping), Penal
7 Code, if the actor committed the offense or engaged in the conduct
8 with the intent to violate or abuse the victim sexually, regardless
9 of the age of the victim;

10 (4) Section 21.11 (Indecency with a child), Penal
11 Code, if the victim or intended victim is younger than 13 years of
12 age;

13 (5) Section 22.011 (Sexual assault) or 22.021
14 (Aggravated sexual assault), Penal Code;

15 (6) Section 30.02 (Burglary), Penal Code, in the
16 manner described by Article 62.001(5)(D);

17 (7) Section 43.05(a)(2) (Compelling prostitution),
18 Penal Code;

19 (8) Section 43.25 (Sexual performance by a child),
20 Penal Code;

21 (9) Section 43.26 (Possession or promotion of child
22 pornography), Penal Code; or

23 (10) Section 71.02 (Engaging in organized criminal
24 activity), Penal Code, in the manner described by Article
25 62.001(5)(O).

26 (d) For purposes of this article, an attempt or conspiracy
27 to commit an offense or to engage in conduct based on a violation of

1 an offense is classified as the same tier of reportable convictions
2 or adjudications as the offense or conduct that is attempted or that
3 is the object of the conspiracy.

4 (e) For purposes of this article, a reportable conviction or
5 adjudication described by Article 62.001(5)(S) or (T) is classified
6 as the same tier of reportable convictions or adjudications as a
7 reportable conviction or adjudication based on a violation of a law
8 of this state that contains elements that are substantially similar
9 to the elements of the offense giving rise to the reportable
10 conviction or adjudication described by Article 62.001(5)(S) or
11 (T).

12 (f) Notwithstanding Subsections (a)-(e), a tier one or tier
13 two reportable conviction or adjudication that a person receives
14 subsequent to another reportable conviction or adjudication is
15 classified as the next highest tier of reportable convictions or
16 adjudications, except that a reportable conviction or adjudication
17 that is an adjudication of delinquent conduct is a tier one
18 reportable conviction or adjudication, regardless of whether the
19 person has previously received another reportable conviction or
20 adjudication that is an adjudication of delinquent conduct.

21 SECTION 7. Article 62.002, Code of Criminal Procedure, is
22 amended by amending Subsection (a) and adding Subsection (a-1) to
23 read as follows:

24 (a) This chapter applies only to a reportable conviction or
25 adjudication occurring on or after September 1, 1970, as a result of
26 which, on or after September 1, 1997, a defendant:

27 (1) is confined in a penal institution;

1 (2) is under the supervision and control of a juvenile
2 probation office or an agency or entity operating under contract
3 with a juvenile probation office, the Texas Youth Commission, a
4 community supervision and corrections department, or the parole
5 division of the Texas Department of Criminal Justice; or

6 (3) under the laws of another state, federal law, the
7 laws of a foreign country, or the Uniform Code of Military Justice:

8 (A) in or under that jurisdiction, is confined in
9 a facility that is the equivalent of a penal institution in this
10 state; or

11 (B) in or under that jurisdiction, is under the
12 supervision and control of an agency or department that is the
13 equivalent of a juvenile probation office in this state or of an
14 agency or entity operating in this state under contract with a
15 juvenile probation office, the Texas Youth Commission, a community
16 supervision and corrections department, or the parole division of
17 the Texas Department of Criminal Justice.

18 (a-1) A defendant who, on or after September 1, 1997, is not
19 described by Subsection (a) is covered by the law in effect under
20 Section 8(a), Article 6252-13c.1, Revised Statutes, before that
21 article was redesignated and amended as this chapter by Chapter
22 668, Acts of the 75th Legislature, Regular Session, 1997, and that
23 former law is continued in effect for that purpose.

24 SECTION 8. Subsections (a) and (b), Article 62.003, Code of
25 Criminal Procedure, are amended to read as follows:

26 (a) For the purposes of this chapter, the department is
27 responsible for determining whether an offense under a local

1 ordinance or order, the laws of another state, the United States
2 ~~[federal law]~~, ~~[the laws of]~~ a foreign country, or a federally
3 recognized Indian tribe, the Uniform Code of Military Justice, or
4 any other criminal law contains elements that are substantially
5 similar to the elements of an offense under the laws of this state.

6 (b) The department annually shall provide or make available
7 to each prosecuting attorney's office in this state:

8 (1) the criteria used in making a determination under
9 Subsection (a); and

10 (2) any existing record or compilation of offenses
11 under a local ordinance or order, the laws of another state, the
12 United States ~~[federal law]~~, ~~[the laws of]~~ a foreign country, and a
13 federally recognized Indian tribe, the Uniform Code of Military
14 Justice, and any other criminal law that the department has already
15 determined to contain elements that are substantially similar to
16 the elements of offenses under the laws of this state.

17 SECTION 9. Article 62.005, Code of Criminal Procedure, is
18 amended by amending Subsections (a) and (b) and adding Subsections
19 (a-1) and (b-1) to read as follows:

20 (a) The department shall maintain a computerized central
21 database containing the information required for registration
22 under this chapter. The department may include in the computerized
23 central database the numeric risk level assigned to a person under
24 this chapter. The central database must contain with respect to
25 each person required to register under this chapter the following
26 information or a link that enables a user to access the following
27 information:

1 (1) the information contained in the registration form
2 described by Article 62.051(c);

3 (2) the text of the law that defines the offense on
4 which the reportable conviction or adjudication for which the
5 person is required to register under this chapter is based, or of
6 any other law defining an offense for which the person may be
7 required to register under this chapter as described by Article
8 62.051(a);

9 (3) the person's criminal history, including the date
10 of all arrests and convictions and the existence of any outstanding
11 warrants for the person's arrest; and

12 (4) a sample of the person's DNA.

13 (a-1) The department must design the database in a manner
14 that allows a member of the public to access through the Internet
15 all database information that is not exempted from public
16 disclosure under Subsection (b) or (b-1).

17 (b) The information contained in the database, including
18 the numeric risk level assigned to a person under this chapter, is
19 public information, with the exception of any information:

20 (1) regarding the person's social security number[~~7~~
21 ~~driver's license number,~~] or telephone number;

22 (2) that is required by the department under Article
23 62.051(c)(9) and not required under this article to be included in
24 the database [62.051(c)(7)]; [~~or~~]

25 (3) that would identify the victim or intended victim
26 of the offense for which the person is subject to registration; or

27 (4) concerning an arrest of the person that did not

1 result in a conviction, adjudication of delinquent conduct, or
2 grant of deferred adjudication.

3 (b-1) The department by rule:

4 (1) may exclude the following information from the
5 database with respect to a person required to register under this
6 chapter:

7 (A) any information concerning a tier one
8 reportable conviction or adjudication based on an offense or
9 conduct the victim or intended victim of which was 18 years of age
10 or older at the time the person committed the offense or engaged in
11 the conduct;

12 (B) the name of the person's employer;

13 (C) the name of an educational facility in which
14 the person is enrolled as a student; and

15 (D) any other information that the department,
16 under Article 62.0061, determines may be exempted from public
17 disclosure under federal law; and

18 (2) must exclude from the database any information not
19 otherwise described by Subdivision (1) that the department, under
20 Article 62.0061, determines must be exempted from public disclosure
21 under federal law.

22 SECTION 10. Subchapter A, Chapter 62, Code of Criminal
23 Procedure, is amended by adding Articles 62.0051, 62.0052, 62.0061,
24 and 62.0062 to read as follows:

25 Art. 62.0051. INTERNET WEBSITE FOR COMPUTERIZED CENTRAL
26 DATABASE. The Internet website through which the department allows
27 access to public information contained in the computerized central

1 database maintained under Article 62.005 must include:

2 (1) links to safety and education resources concerning
3 sex offenders;

4 (2) instructions concerning the procedure by which a
5 person may seek to correct in the database information that the
6 person believes is incorrect; and

7 (3) a warning that using information on the Internet
8 website to unlawfully injure, harass, or commit a criminal offense
9 against a person required to register under this chapter or a person
10 residing or working at an address disclosed on the database may
11 subject the actor to criminal or civil penalties.

12 Art. 62.0052. ELECTRONIC MAIL NOTIFICATION SERVICE FOR
13 SCHOOLS AND SCHOOL DISTRICTS. (a) The department shall maintain
14 an electronic mail notification service to which a superintendent
15 of a public school district or the superintendent's designee or an
16 administrator of any private primary or secondary school in this
17 state may electronically subscribe.

18 (b) The electronic mail notification service maintained
19 under Subsection (a) must:

20 (1) allow a subscriber to request for a school or
21 school district notification of:

22 (A) the release from a penal institution or
23 placement on deferred adjudication community supervision,
24 community supervision, or juvenile probation of a person who
25 expects to enroll or enrolls in that school or school district and
26 is required to register under this chapter; and

27 (B) any change in the enrollment of a person who

1 is required to register under this chapter; and

2 (2) respond to a subscriber via electronic mail not
3 later than the third business day after the date the department
4 receives notice of an event described by Subdivision (1).

5 (c) The Texas Education Agency, a superintendent of a public
6 school district in this state or the superintendent's designee, or
7 an administrator of a private primary or secondary school in this
8 state shall provide the department with any information the
9 department determines is necessary to implement and operate the
10 notification service under this article.

11 (d) The department may include in an electronic mail
12 notification sent to a subscriber any public information described
13 by Article 62.005.

14 Art. 62.0061. UPDATING REQUIREMENTS. (a) The department
15 periodically shall determine whether the attorney general of the
16 United States has taken any action under the Sex Offender
17 Registration and Notification Act (42 U.S.C. Section 16901 et seq.)
18 that requires, in any manner:

19 (1) the department to amend its rules or modify the
20 contents of the registration form described by Article 62.051(c) or
21 the database maintained under Article 62.005; or

22 (2) this state to amend this chapter, including
23 amending this chapter to exclude certain offenses under the laws of
24 a foreign country from the definition of "reportable conviction or
25 adjudication" for reasons based on fundamental fairness or due
26 process, as described by the guidelines and regulations adopted by
27 the attorney general of the United States under 42 U.S.C. Section

1 16912.

2 (b) Not later than January 15 of each odd-numbered year, the
3 department shall submit to the governor, the lieutenant governor,
4 the speaker of the house of representatives, and the standing
5 committees of each house of the legislature with primary
6 jurisdiction over matters of criminal justice or corrections a
7 written report that summarizes any determinations made by the
8 department under Subsection (a)(2) between January 1 of the
9 preceding odd-numbered year and January 1 of the year in which the
10 report is submitted.

11 (c) Not later than the 30th day after the date that the
12 department determines under Subsection (a)(1) that the
13 department's rules, registration form, or database must be amended
14 or modified, the department shall amend or modify the rules, form,
15 or database, as applicable.

16 Art. 62.0062. REGISTRATION INFORMATION DISSEMINATION.

17 (a) Not later than the third business day after the date the
18 department receives a registration form under Article 62.051(e),
19 information under Article 62.055(d) or 62.057(d), or a verified
20 registration form under Article 62.058(f), the department
21 immediately shall provide access to the information from the form
22 or other source, as applicable, to:

23 (1) the attorney general of the United States;

24 (2) any agency of another jurisdiction as defined by
25 42 U.S.C. 16911 that is designated by that jurisdiction to receive
26 registration information and required under federal law to receive
27 information from the department;

1 (3) any agency responsible for conducting
2 employment-related background checks under Section 3 of the
3 National Child Protection Act of 1993 (42 U.S.C. Section 5119a);

4 (4) the Health and Human Services Commission; and

5 (5) subject to Subsection (c), any individual, entity,
6 or organization that requests notification under this article.

7 (b) An individual, entity, or organization may not request
8 notification under Subsection (a)(5) more frequently than once
9 every five business days.

10 (c) The department may not disclose information under
11 Subsection (a) to an individual, entity, or organization that is
12 not authorized by this chapter or other law to receive that
13 information.

14 SECTION 11. Subsection (d), Article 62.009, Code of
15 Criminal Procedure, is amended to read as follows:

16 (d) A private primary or secondary school, public or private
17 institution of higher education, or administrator of a private
18 primary or secondary school or public or private institution of
19 higher education may release to the public information regarding a
20 person required to register under this chapter only if the
21 information is public information under this chapter and is
22 released to the administrator under Article 62.005, 62.053,
23 [~~62.054,~~ 62.055, or 62.153. A private primary or secondary
24 school, public or private institution of higher education, or
25 administrator of a private primary or secondary school or public or
26 private institution of higher education is not liable under any law
27 for damages arising from conduct authorized by this subsection.

1 SECTION 12. Subsections (a), (c), (h), and (i), Article
2 62.051, Code of Criminal Procedure, are amended to read as follows:

3 (a) A person who has a reportable conviction or adjudication
4 or who is required to register as a condition of parole, release to
5 mandatory supervision, or community supervision shall register or,
6 if the person is a person for whom registration is completed under
7 this chapter, verify registration as provided by Subsection (f),
8 with the local law enforcement authority in any municipality where
9 the person resides or intends to reside for more than seven days.
10 If the person does not reside or intend to reside in a municipality,
11 the person shall register or verify registration in any county
12 where the person resides or intends to reside for more than seven
13 days. The person shall satisfy the requirements of this subsection
14 not later than ~~[the later of:~~

15 ~~[(1)]~~ the third business ~~[seventh]~~ day after the
16 person's arrival in the municipality or county~~[, or~~

17 ~~[(2) the first date the local law enforcement~~
18 ~~authority of the municipality or county by policy allows the person~~
19 ~~to register or verify registration, as applicable].~~

20 (c) The registration form shall require:

21 (1) the person's full name, ~~[each alias,~~ date of
22 birth, sex, race, height, weight, eye color, hair color, social
23 security number, driver's license number, and shoe size, each alias
24 used by the person, and each home owned or leased by the person or
25 any other address at which the person resides or intends to reside
26 or, if the person does not reside or intend to reside at an address,
27 each specific geographic location at which the person resides or

1 intends to reside;

2 (2) a current [~~recent~~] color photograph or, if
3 possible, a current [~~an~~] electronic digital image of the person, a
4 photocopy of the driver's license or personal identification
5 certificate of the person, and a complete set of the person's
6 fingerprints and palm prints;

7 (3) the type of offense the person was convicted of,
8 the age of the victim or intended victim, the date of conviction,
9 and the punishment received;

10 (4) an indication as to whether the person is
11 discharged, paroled, or released on juvenile probation, community
12 supervision, or mandatory supervision;

13 (5) an indication of each license, as defined by
14 Article 62.005(g), that is held or sought by the person;

15 (6) an indication as to whether the person is or will
16 be employed, carrying on a vocation, or a student at an educational
17 facility in this state or another state, including a public or
18 private primary or secondary school and a [~~particular~~] public or
19 private institution of higher education [~~in this state or another~~
20 ~~state~~], and the name and address of that educational facility
21 [~~institution~~]; [~~and~~]

22 (7) an indication as to whether the person is or will
23 be employed or carrying on a vocation other than as described by
24 Subdivision (6), and the name and address of the person's employer
25 or anticipated employer or the address at which the person is or
26 will be carrying on the vocation, as applicable;

27 (8) a description of any motor vehicle owned or driven

1 by the person, including the license plate number of the motor
2 vehicle; and

3 (9) any other information required by the department.

4 (h) If a person subject to registration under this chapter
5 does not move to an intended residence by the end of the third
6 business [~~seventh~~] day after the date on which the person is
7 released or the date on which the person leaves a previous
8 residence, the person shall:

9 (1) report to the juvenile probation officer,
10 community supervision and corrections department officer, or
11 parole officer supervising the person by not later than the third
12 business [~~seventh~~] day after the date on which the person is
13 released or the date on which the person leaves a previous
14 residence, as applicable, and provide the officer with the address
15 of the person's temporary residence; and

16 (2) continue to report to the person's supervising
17 officer not less than weekly during any period of time in which the
18 person has not moved to an intended residence and provide the
19 officer with the address of the person's temporary residence.

20 (i) If the other state has a registration requirement for
21 sex offenders, a person who has a reportable conviction or
22 adjudication, who resides in this state, and who is employed,
23 carries on a vocation, or is a student in another state shall, not
24 later than the third business [~~10th~~] day after the date on which the
25 person begins to work or attend school in the other state, register
26 with the law enforcement authority that is identified by the
27 department as the authority designated by that state to receive

1 registration information. If the person is employed, carries on a
2 vocation, or is a student at a public or private institution of
3 higher education in the other state and if an authority for campus
4 security exists at the institution, the person shall also register
5 with that authority not later than the third business [~~10th~~] day
6 after the date on which the person begins to work or attend school.

7 SECTION 13. Subchapter B, Chapter 62, Code of Criminal
8 Procedure, is amended by adding Article 62.0521 to read as follows:

9 Art. 62.0521. REGISTRATION: CONVICTION OR ADJUDICATION IN
10 ANOTHER JURISDICTION. If a person who resides in this state is
11 required to register under this chapter as the result of a
12 reportable conviction or adjudication that is based on a violation
13 of an offense under the laws of another jurisdiction as described by
14 Article 62.001(5)(S) or (T) and defined by 42 U.S.C. Section 16911,
15 the person shall:

16 (1) initially register in the other jurisdiction with
17 the law enforcement authority that is identified by the department
18 as the authority designated by that state to receive registration
19 information; and

20 (2) maintain registration in that jurisdiction for any
21 period required by that jurisdiction.

22 SECTION 14. Subsections (a), (e), (f), and (g), Article
23 62.053, Code of Criminal Procedure, are amended to read as follows:

24 (a) Before a person who will be subject to registration
25 under this chapter is due to be released from a penal institution,
26 the Texas Department of Criminal Justice or the Texas Youth
27 Commission shall determine the person's level of risk to the

1 community using the sex offender screening tool developed or
2 selected under Article 62.007 and assign to the person a numeric
3 risk level of one, two, or three. Before releasing the person, an
4 official of the penal institution shall:

5 (1) inform the person that:

6 (A) not later than [~~the later of~~] the third
7 business [~~seventh~~] day after the date on which the person is
8 released or after the date on which the person moves from a previous
9 residence to a new residence in this state, as applicable [~~or not~~
10 ~~later than the later of the first date the applicable local law~~
11 ~~enforcement authority by policy allows the person to register or~~
12 ~~verify registration~~], the person must register or verify
13 registration with the local law enforcement authority in the
14 municipality or county in which the person intends to reside;

15 (B) not later than the third business [~~seventh~~]
16 day after the date on which the person is released or the date on
17 which the person moves from a previous residence to a new residence
18 in this state, the person must, if the person has not moved to an
19 intended residence, report to the juvenile probation officer,
20 community supervision and corrections department officer, or
21 parole officer supervising the person;

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

1 department officer, or parole officer supervising the person;

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

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

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

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

23 (3) obtain the address or addresses or, if applicable,
24 each specific geographic location where the person expects to
25 reside on the person's release and other registration information,
26 including a current photograph and complete set of fingerprints and
27 palm prints; and

1 (4) complete the registration form for the person.

2 (e) Not later than the eighth day after receiving a
3 registration form under Subsection (b), (c), or (d), the local law
4 enforcement authority shall verify the age of the victim or
5 intended victim, the basis on which the person is subject to
6 registration under this chapter, and the person's numeric risk
7 level. The local law enforcement authority shall immediately
8 provide written notice described by Subsection (f) to the
9 superintendent of each ~~[the]~~ public school district and to the
10 administrator of any private primary or secondary school located in
11 each ~~[the]~~ public school district in which the person subject to
12 registration intends to reside, be employed or carry on a vocation,
13 or enroll as a student ~~[by mail to the office of the superintendent~~
14 ~~or administrator, as appropriate, in accordance with Article~~
15 ~~62.054]~~. On receipt of a notice under this subsection, a ~~[the]~~
16 superintendent shall release the information contained in the
17 notice to appropriate school district personnel, including peace
18 officers and security personnel, principals, nurses, and
19 counselors. The local law enforcement agency also shall
20 immediately provide written notice described by Subsection (f) to
21 the administrative offices of any public housing authority located
22 in the area in which the person subject to registration intends to
23 reside, be employed or carry on a vocation, or enroll as a student.

24 (f) The local law enforcement authority shall include in the
25 notice to the superintendent of each applicable ~~[the]~~ public school
26 district, ~~[and to]~~ the administrator of any private primary or
27 secondary school located in the public school district, and each

1 applicable public housing authority any information the authority
2 determines is necessary to protect the public, except information
3 that is described by Article 62.005(b) or (b-1) [+

4 ~~(1) the person's social security number, driver's~~
5 ~~license number, or telephone number, and~~

6 ~~(2) any information that would identify the victim of~~
7 ~~the offense for which the person is subject to registration].~~

8 (g) Before a person who will be subject to registration
9 under this chapter is due to be released from a penal institution in
10 this state, an official of the penal institution shall inform the
11 person that:

12 (1) if the person intends to reside in another state
13 and to work or attend school in this state, the person must, not
14 later than ~~[the later of]~~ the third business ~~[seventh]~~ day after the
15 date on which the person begins to work or attend school ~~[or the~~
16 ~~first date the applicable local law enforcement authority by policy~~
17 ~~allows the person to register or verify registration]~~, register or
18 verify registration with the local law enforcement authority in the
19 municipality or county in which the person intends to work or attend
20 school;

21 (2) if the person intends to reside in this state and
22 to work or attend school in another state and if the other state has
23 a registration requirement for sex offenders, the person must:

24 (A) not later than the third business ~~[10th]~~ day
25 after the date on which the person begins to work or attend school
26 in the other state, register with the law enforcement authority
27 that is identified by the department as the authority designated by

1 that state to receive registration information; and

2 (B) if the person intends to be employed, carry
3 on a vocation, or be a student at a public or private institution of
4 higher education in the other state and if an authority for campus
5 security exists at the institution, register with that authority
6 not later than the third business [~~10th~~] day after the date on which
7 the person begins to work or attend school; and

8 (3) regardless of the state in which the person
9 intends to reside, if the person intends to be employed, carry on a
10 vocation, or be a student at a public or private institution of
11 higher education in this state, the person must:

12 (A) not later than [~~the later of~~] the third
13 business [~~seventh~~] day after the date on which the person begins to
14 work or attend school [~~or the first date the applicable authority by~~
15 ~~policy allows the person to register~~], register with:

16 (i) the authority for campus security for
17 that institution; or

18 (ii) except as provided by Article
19 62.153(e), if an authority for campus security for that institution
20 does not exist, the local law enforcement authority of:

21 (a) the municipality in which the
22 institution is located; or

23 (b) the county in which the
24 institution is located, if the institution is not located in a
25 municipality; and

26 (B) not later than the third business [~~seventh~~]
27 day after the date the person stops working or attending school,

1 notify the appropriate authority for campus security or local law
2 enforcement authority of the termination of the person's status as
3 a worker or student.

4 SECTION 15. Subsections (a), (c), and (e) through (h),
5 Article 62.055, Code of Criminal Procedure, are amended to read as
6 follows:

7 (a) If a person required to register under this chapter
8 intends to change address, regardless of whether the person intends
9 to move to another state, the person shall, not later than the
10 seventh day before the intended change, report in person to the
11 local law enforcement authority designated as the person's primary
12 registration authority by the department and to the juvenile
13 probation officer, community supervision and corrections
14 department officer, or parole officer supervising the person and
15 provide the authority and the officer with the person's anticipated
16 move date and new address. If a person required to register changes
17 address, the person shall, not later than ~~[the later of]~~ the third
18 business ~~[seventh]~~ day after changing the address ~~[or the first~~
19 ~~date the applicable local law enforcement authority by policy~~
20 ~~allows the person to report]~~, report in person to the local law
21 enforcement authority in the municipality or county in which the
22 person's new residence is located and provide the authority with
23 proof of identity and proof of residence.

24 (c) If the person moves to another state that has a
25 registration requirement for sex offenders, the person shall, not
26 later than the third business ~~[10th]~~ day after the date on which the
27 person arrives in the other state, register with the law

1 enforcement agency that is identified by the department as the
2 agency designated by that state to receive registration
3 information.

4 (e) If a person who reports to a local law enforcement
5 authority under Subsection (a) does not move on or before the
6 anticipated move date or does not move to the new address provided
7 to the authority, the person shall:

8 (1) not later than the third business [~~seventh~~] day
9 after the anticipated move date, and not less than weekly after that
10 third business [~~seventh~~] day, report to the local law enforcement
11 authority designated as the person's primary registration
12 authority by the department and provide an explanation to the
13 authority regarding any changes in the anticipated move date and
14 intended residence; and

15 (2) not later than the third business day after the
16 anticipated move date, report to the juvenile probation officer,
17 community supervision and corrections department officer, or
18 parole officer supervising the person and continue to report to
19 that officer not less than weekly during any period in which the
20 person has not moved to an intended residence.

21 (f) If the person moves to another municipality or county in
22 this state, the department shall inform the applicable local law
23 enforcement authority in the new area of the person's residence not
24 later than the third day after the date on which the department
25 receives information under Subsection (a). Not later than the
26 eighth day after the date on which the local law enforcement
27 authority is informed under Subsection (a) or under this

1 subsection, the authority shall verify the age of the victim or
2 intended victim, the basis on which the person is subject to
3 registration under this chapter, and the person's numeric risk
4 level. The local law enforcement authority shall immediately
5 provide written notice described by Subsection (g) to the
6 superintendent of each applicable [the] public school district and
7 to the administrator of any private primary or secondary school
8 located in each applicable [the] public school district in which
9 the person subject to registration intends to reside, be employed
10 or carry on a vocation, or enroll as a student [by mail to the office
11 of the superintendent or administrator, as appropriate, in
12 accordance with Article 62.054]. On receipt of a notice under this
13 subsection, a [the] superintendent shall release the information
14 contained in the notice to appropriate school district personnel,
15 including peace officers and security personnel, principals,
16 nurses, and counselors. The local law enforcement agency also
17 shall immediately provide written notice described by Subsection
18 (g) to the administrative offices of any public housing authority
19 located in the area in which the person subject to registration
20 intends to reside, be employed or carry on a vocation, or enroll as
21 a student.

22 (g) The local law enforcement authority shall include in the
23 notice to the superintendent of each applicable [the] public school
24 district, [and] the administrator of any private primary or
25 secondary school located in the public school district, and each
26 applicable public housing authority any information the authority
27 determines is necessary to protect the public, except information

1 that is described by Article 62.005(b) or (b-1)~~[+~~

2 ~~[(1) the person's social security number, driver's~~
3 ~~license number, or telephone number, and~~

4 ~~[(2) any information that would identify the victim of~~
5 ~~the offense for which the person is subject to registration].~~

6 (h) If the person moves to another state, the department
7 shall, immediately on receiving information under Subsection (d):

8 (1) inform the agency that is designated by the other
9 state to receive registration information, if that state has a
10 registration requirement for sex offenders; and

11 (2) send to the Federal Bureau of Investigation a copy
12 of the person's registration form, including the record of
13 conviction and a complete set of fingerprints and palm prints.

14 SECTION 16. Subsections (a), (b), and (d), Article 62.057,
15 Code of Criminal Procedure, are amended to read as follows:

16 (a) If the juvenile probation officer, community
17 supervision and corrections department officer, or parole officer
18 supervising a person subject to registration under this chapter
19 receives information to the effect that the person's status has
20 changed in any manner that affects proper supervision of the
21 person, including a change in the person's name, physical health,
22 job or educational status, including higher educational status,
23 incarceration, or terms of release, the supervising officer shall
24 promptly notify the appropriate local law enforcement authority or
25 authorities of that change. If the person required to register
26 intends to change address, the supervising officer shall notify the
27 local law enforcement authorities designated by Article 62.055(b).

1 ~~[Not later than the seventh day after the date the supervising~~
2 ~~officer receives the relevant information, the supervising officer~~
3 ~~shall notify the local law enforcement authority of any change in~~
4 ~~the person's job or educational status in which the person:~~

5 ~~[(1) becomes employed, begins to carry on a vocation,~~
6 ~~or becomes a student at a particular public or private institution~~
7 ~~of higher education; or~~

8 ~~[(2) terminates the person's status in that capacity].~~

9 (b) Not later than the third business ~~[seventh]~~ day after
10 the date of the change, a person subject to registration under this
11 chapter shall report to the local law enforcement authority
12 designated as the person's primary registration authority by the
13 department any change in the person's name, physical health, or job
14 or educational status, including higher educational status.

15 (d) Not later than the third business ~~[seventh]~~ day after
16 the date the local law enforcement authority receives ~~[the~~
17 ~~relevant]~~ information under Subsection (a) or (b), the local law
18 enforcement authority shall forward that information to ~~[notify]~~
19 the department ~~[of any change in the person's job or educational~~
20 ~~status in which the person:~~

21 ~~[(1) becomes employed, begins to carry on a vocation,~~
22 ~~or becomes a student at a particular public or private institution~~
23 ~~of higher education; or~~

24 ~~[(2) terminates the person's status in that capacity].~~

25 SECTION 17. Article 62.058, Code of Criminal Procedure, is
26 amended by amending Subsections (a), (b), and (c) and adding
27 Subsections (a-1) and (f) to read as follows:

1 (a) A person subject to registration under this chapter [~~who~~
2 ~~has for a sexually violent offense been convicted two or more times,~~
3 ~~received an order of deferred adjudication two or more times, or~~
4 ~~been convicted and received an order of deferred adjudication]~~
5 shall report to [~~the local law enforcement authority designated as]~~
6 the person's designated primary registration authority by the
7 department to verify the information in the person's registration
8 form:

9 (1) not less than once in each 90-day period following
10 the date the person first registered under this chapter, if the
11 person has a tier three reportable conviction or adjudication;

12 (2) not less than once in each 180-day period
13 following the date the person first registered under this chapter,
14 if the person has a tier two reportable conviction or adjudication;
15 or

16 (3) not less than [~~to verify the information in the~~
17 ~~registration form maintained by the authority for that person. A~~
18 ~~person subject to registration under this chapter who is not~~
19 ~~subject to the 90-day reporting requirement described by this~~
20 ~~subsection shall report to the local law enforcement authority~~
21 ~~designated as the person's primary registration authority by the~~
22 ~~department]~~ once each year not earlier than the 30th day before and
23 not later than the 30th day after each [~~the~~] anniversary of the
24 [~~person's~~] date the person first registered under this chapter, if
25 the person has a tier one reportable conviction or adjudication [~~of~~
26 ~~birth to verify the information in the registration form maintained~~
27 ~~by the authority for that person)].~~

1 (a-1) For purposes of Subsection (a) [~~this subsection~~], a
2 person complies with a requirement that the person register within
3 a [~~90-day~~] period described by Subsection (a)(1) or (2) [~~following~~
4 ~~a date~~] if the person registers at any time on or after the seventh
5 [~~83rd~~] day before [~~following~~] that date but before the eighth
6 [~~98th~~] day after that date.

7 (b) A local law enforcement authority designated as a
8 person's primary registration authority by the department may
9 direct the person to report to the authority to verify the
10 information in the registration form maintained by the authority
11 for that person. The authority may direct the person to report
12 under this subsection once in each applicable 90-day, 180-day, or
13 annual period described by [~~following the date the person first~~
14 ~~registered under this chapter, if the person is required to report~~
15 ~~not less than once in each 90-day period under~~] Subsection (a) [~~or~~
16 ~~once in each year not earlier than the 30th day before and not later~~
17 ~~than the 30th day after the anniversary of the person's date of~~
18 ~~birth, if the person is required to report once each year under~~
19 ~~Subsection (a)~~]. A local law enforcement authority may not direct a
20 person to report to the authority under this subsection if the
21 person is required to report under Subsection (a) and is in
22 compliance with the reporting requirements of that subsection.

23 (c) A local law enforcement authority with whom a person
24 reports under this article shall require the person to produce
25 proof of the person's identity and residence before the authority
26 gives the registration form to the person for verification. If the
27 information in the registration form is complete and accurate, the

1 person shall verify registration by signing the form. If the
2 information is not complete or not accurate, the person shall make
3 any necessary additions or corrections before signing the form.
4 The local law enforcement authority also shall take a photograph of
5 a person reporting to the authority under this article and include
6 that photograph with the person's verified registration form.

7 (f) Not later than the third business day after the date a
8 person verifies registration with a local law enforcement authority
9 under Subsection (c) or (d), the local law enforcement authority
10 shall forward a copy of the person's verified registration form to
11 the department.

12 SECTION 18. Article 62.101, Code of Criminal Procedure, is
13 amended to read as follows:

14 Art. 62.101. EXPIRATION OF DUTY TO REGISTER. (a) Except
15 as provided by this article [~~Subsection (b)~~] and Subchapter I, the
16 duty to register for a person ends:

17 (1) on the 15th anniversary of the date on which the
18 person is released from a penal institution or discharges community
19 supervision or the court dismisses the criminal proceedings against
20 the person and discharges the person, whichever date is later, if
21 the person has a tier one reportable conviction or adjudication;

22 (2) on the 25th anniversary of the date on which the
23 person is released from a penal institution or discharges community
24 supervision or the court dismisses the criminal proceedings against
25 the person and discharges the person, whichever date is later, if
26 the person has a tier two reportable conviction or adjudication; or

27 (3) when the person dies, if the person has a tier

1 three reportable conviction or adjudication~~[, other than an~~
2 ~~adjudication of delinquent conduct, for:~~

3 ~~[(1) a sexually violent offense;~~

4 ~~[(2) an offense under Section 25.02, 43.05(a)(2), or~~
5 ~~43.26, Penal Code;~~

6 ~~[(3) an offense under Section 21.11(a)(2), Penal Code,~~
7 ~~if before or after the person is convicted or adjudicated for the~~
8 ~~offense under Section 21.11(a)(2), Penal Code, the person receives~~
9 ~~or has received another reportable conviction or adjudication,~~
10 ~~other than an adjudication of delinquent conduct, for an offense or~~
11 ~~conduct that requires registration under this chapter;~~

12 ~~[(4) an offense under Section 20.02, 20.03, or 20.04,~~
13 ~~Penal Code, if:~~

14 ~~[(A) the judgment in the case contains an~~
15 ~~affirmative finding under Article 42.015 or, for a deferred~~
16 ~~adjudication, the papers in the case contain an affirmative finding~~
17 ~~that the victim or intended victim was younger than 17 years of age;~~
18 ~~and~~

19 ~~[(B) before or after the person is convicted or~~
20 ~~adjudicated for the offense under Section 20.02, 20.03, or 20.04,~~
21 ~~Penal Code, the person receives or has received another reportable~~
22 ~~conviction or adjudication, other than an adjudication of~~
23 ~~delinquent conduct, for an offense or conduct that requires~~
24 ~~registration under this chapter; or~~

25 ~~[(5) an offense under Section 43.23, Penal Code, that~~
26 ~~is punishable under Subsection (h) of that section].~~

27 (b) The ~~[Except as provided by Subchapter I, the]~~ duty to

1 register for a person otherwise described by Subsection (a)(1)
2 [~~subject to Subsection (a)~~] ends on the 10th anniversary of the date
3 on which the person is released from a penal institution or
4 discharges community supervision or the court dismisses the
5 criminal proceedings against the person and discharges the person,
6 whichever date is later, if the person, during the period that
7 begins on the first date on which the person is required to register
8 under this chapter and ends on the 10th anniversary described by
9 this subsection:

10 (1) is not convicted of, placed on deferred
11 adjudication for, or adjudicated as having engaged in delinquent
12 conduct based on a violation of any offense under a local ordinance
13 or order, the laws of this state, another state, the United States,
14 a foreign country, or a federally recognized Indian tribe, the
15 Uniform Code of Military Justice, or any other criminal law that is
16 punishable by a term of imprisonment that exceeds one year;

17 (2) does not receive a second or subsequent reportable
18 conviction or adjudication;

19 (3) successfully completes any applicable period of
20 community supervision or release to parole or mandatory
21 supervision; and

22 (4) successfully completes a sex offender treatment
23 program certified or approved by the Council on Sex Offender
24 Treatment [~~person's duty to register is based on a conviction or an~~
25 ~~order of deferred adjudication in a cause that was transferred to a~~
26 ~~district court or criminal district court under Section 54.02,~~
27 ~~Family Code].~~

1 (c) A person's duties to register and verify registration
2 under this chapter are suspended for the duration of any period that
3 the person is:

4 (1) confined in a penal institution; or

5 (2) civilly committed and confined in a secure
6 facility as a sexually violent predator under Chapter 841, Health
7 and Safety Code [~~Except as provided by Subchapter I, the duty to~~
8 ~~register for a person with a reportable conviction or adjudication~~
9 ~~for an offense other than an offense described by Subsection (a)~~
10 ~~ends:~~

11 ~~[(1) if the person's duty to register is based on an~~
12 ~~adjudication of delinquent conduct, on the 10th anniversary of the~~
13 ~~date on which the disposition is made or the person completes the~~
14 ~~terms of the disposition, whichever date is later; or~~

15 ~~[(2) if the person's duty to register is based on a~~
16 ~~conviction or on an order of deferred adjudication, on the 10th~~
17 ~~anniversary of the date on which the court dismisses the criminal~~
18 ~~proceedings against the person and discharges the person, the~~
19 ~~person is released from a penal institution, or the person~~
20 ~~discharges community supervision, whichever date is later].~~

21 SECTION 19. Subsection (b), Article 62.102, Code of
22 Criminal Procedure, is amended to read as follows:

23 (b) An offense under this article is:

24 (1) a state jail felony if the actor is a person whose
25 duty to register expires under Article 62.101(a)(1) [~~62.101(b) or~~
26 ~~(c)~~];

27 (2) a felony of the third degree if the actor is a

1 person whose duty to register expires under Article 62.101(a)(2)
2 [~~62.101(a) and who is required to verify registration once each~~
3 ~~year under Article 62.058~~]; and

4 (3) a felony of the second degree if the actor is a
5 person whose duty to register expires under Article 62.101(a)(3)
6 [~~62.101(a) and who is required to verify registration once each~~
7 ~~90-day period under Article 62.058~~].

8 SECTION 20. Article 62.151, Code of Criminal Procedure, is
9 amended to read as follows:

10 Art. 62.151. DEFINITIONS. For purposes of this subchapter,
11 a person:

12 (1) is employed or carries on a vocation if the person
13 works or volunteers on a full-time or part-time basis for any [~~a~~
14 ~~consecutive~~] period during [~~exceeding 14 days or for an aggregate~~
15 ~~period exceeding 30 days in~~] a calendar year;

16 (2) works regardless of whether the person works for
17 compensation or for governmental or educational benefit; and

18 (3) is a student if the person enrolls on a full-time
19 or part-time basis in any educational facility, including:

20 (A) a public or private primary or secondary
21 school, including a high school or alternative learning center; or

22 (B) a public or private institution of higher
23 education.

24 SECTION 21. Subsections (a) and (c), Article 62.153, Code
25 of Criminal Procedure, are amended to read as follows:

26 (a) Not later than [~~the later of~~] the third business
27 [~~seventh~~] day after the date on which the person begins to work or

1 attend school [~~or the first date the applicable authority by policy~~
2 ~~allows the person to register~~], a person required to register under
3 Article 62.152 or any other provision of this chapter who is
4 employed, carries on a vocation, or is a student at a public or
5 private institution of higher education in this state shall report
6 that fact to:

7 (1) the authority for campus security for that
8 institution; or

9 (2) if an authority for campus security for that
10 institution does not exist, the local law enforcement authority of:

11 (A) the municipality in which the institution is
12 located; or

13 (B) the county in which the institution is
14 located, if the institution is not located in a municipality.

15 (c) A person described by Subsection (a) shall notify the
16 authority for campus security or the local law enforcement
17 authority not later than the third business [~~seventh~~] day after the
18 date of termination of the person's status as a worker or student at
19 the institution.

20 SECTION 22. Article 62.301, Code of Criminal Procedure, is
21 amended by adding Subsection (f) to read as follows:

22 (f) Notwithstanding any other provision of this article, a
23 person is not eligible to petition the court under this article if
24 the person is required to register for a tier three reportable
25 conviction or adjudication.

26 SECTION 23. Subsection (a), Article 62.402, Code of
27 Criminal Procedure, is amended to read as follows:

1 (a) The council by rule shall determine the minimum required
2 registration period under the Sex Offender Registration and
3 Notification Act (42 U.S.C. Section 16901 et seq.) [~~42 U.S.C.~~
4 ~~Section 14071 (Jacob Wetterling Crimes Against Children and~~
5 ~~Sexually Violent Offender Registration Program)] for each
6 reportable conviction or adjudication under this chapter, if this
7 state is to receive the maximum amount of federal money available to
8 a state as described by that law.~~

9 SECTION 24. Subchapter A, Chapter 38, Education Code, is
10 amended by adding Section 38.017 to read as follows:

11 Sec. 38.017. NOTICE OF SEX OFFENDER ENROLLMENT. For
12 purposes of verifying the school enrollment of sex offenders, each
13 superintendent of a school district or the superintendent's
14 designee shall subscribe to the electronic mail notification
15 service maintained by the Department of Public Safety under Article
16 62.0052, Code of Criminal Procedure.

17 SECTION 25. Subsection (b), Section 411.0091, Government
18 Code, is amended to read as follows:

19 (b) The sex offender compliance unit shall investigate and
20 arrest individuals determined to have committed a sexually violent
21 offense, as defined by Section 841.002, Health and Safety Code
22 [~~Article 62.001, Code of Criminal Procedure~~].

23 SECTION 26. Subchapter C, Chapter 552, Government Code, is
24 amended by adding Section 552.148 to read as follows:

25 Sec. 552.148. EXCEPTION: INFORMATION CONCERNING
26 REQUESTORS OF CERTAIN INFORMATION RELATING TO SEX OFFENDERS. The
27 following information concerning a person who requests information

1 under Article 62.0062(a), Code of Criminal Procedure, is
2 confidential and not subject to disclosure under this chapter:

3 (1) the name and electronic or physical address of the
4 requestor; and

5 (2) any other information the disclosure of which
6 would identify or tend to identify the requestor.

7 SECTION 27. The following laws are repealed:

8 (1) Subdivision (6), Article 62.001, Subsection (c),
9 Article 62.052, and Article 62.054, Code of Criminal Procedure;

10 (2) Section 11, Chapter 668, Acts of the 75th
11 Legislature, Regular Session, 1997;

12 (3) Section 26, Chapter 1415, Acts of the 76th
13 Legislature, Regular Session, 1999; and

14 (4) Section 2, Chapter 1273, Acts of the 79th
15 Legislature, Regular Session, 2005.

16 SECTION 28. (a) The Department of Public Safety of the
17 State of Texas shall have the electronic mail notification service
18 required to be maintained under Article 62.0052, Code of Criminal
19 Procedure, as added by this Act, fully functional and able to
20 receive subscription requests and respond appropriately to those
21 requests not later than January 1, 2008.

22 (b) Each superintendent of a school district in this state
23 or the superintendent's designee shall comply with Section 38.017,
24 Education Code, as added by this Act, as soon as possible after the
25 electronic mail notification service required to be maintained
26 under Article 62.0052, Code of Criminal Procedure, as added by this
27 Act, is fully functional and able to receive subscription requests

1 and in no event later than the first day of the 2008-2009 school
2 year.

3 (c) The changes in law made by this Act in amending Chapter
4 62, Code of Criminal Procedure, apply to a person subject to Chapter
5 62, Code of Criminal Procedure, for an offense or conduct committed
6 or engaged in before, on, or after the effective date of this Act.

7 SECTION 29. This Act takes effect September 1, 2007.