

Chapter 661

AN ACT

relating to certain registration requirements imposed on sex offenders.

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

SECTION 1. Article 13.31, Code of Criminal Procedure, is amended to read as follows:

Art. 13.31. FAILURE TO COMPLY WITH SEX OFFENDER REGISTRATION STATUTE. An offense under Chapter 62 may be prosecuted in:

(1) any county in which an element of the offense occurs;

(2) the county in which the person subject to Chapter 62 last registered, verified registration, or otherwise complied with a requirement of Chapter 62;

(3) the county in which the person required to register under Chapter 62 has indicated that the person intends to reside, regardless of whether the person establishes or attempts to establish residency in that county; [~~or~~]

(4) any county in which the person required to register under Chapter 62 is placed under custodial arrest for an offense subsequent to the person's most recent reportable conviction or adjudication under Chapter 62; or

(5) the county in which the person required to register under Chapter 62 resides or is found by a peace officer,

1 regardless of how long the person has been in the county or intends  
2 to stay in the county.

3 SECTION 2. Article 62.051, Code of Criminal Procedure, is  
4 amended by amending Subsections (c) and (f) and adding Subsections  
5 (j) and (k) to read as follows:

6 (c) The registration form shall require:

7 (1) the person's full name, including each alias, the  
8 person's date of birth, sex, race, height, weight, eye color, hair  
9 color, social security number, driver's license number, and shoe  
10 size, and the [~~home~~] address at which the person resides or intends  
11 to reside or, if the person does not reside or intend to reside at a  
12 physical address, a detailed description of each geographical  
13 location at which the person resides or intends to reside;

14 (2) a recent color photograph or, if possible, an  
15 electronic digital image of the person and a complete set of the  
16 person's fingerprints;

17 (3) the type of offense the person was convicted of,  
18 the age of the victim, the date of conviction, and the punishment  
19 received;

20 (4) an indication as to whether the person is  
21 discharged, paroled, or released on juvenile probation, community  
22 supervision, or mandatory supervision;

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

25 (6) an indication as to whether the person is or will  
26 be employed, carrying on a vocation, or a student at a particular  
27 public or private institution of higher education in this state or

1 another state, and the name and address of that institution; and

2 (7) any other information required by the department.

3 (f) Not later than the seventh day after the date on which  
4 the person is released, a [A] person for whom registration is  
5 completed under this chapter shall report to the applicable local  
6 law enforcement authority to verify the information in the  
7 registration form received by the authority under this chapter. The  
8 authority shall require the person to produce proof of the person's  
9 identity and residence before the authority gives the registration  
10 form to the person for verification. If the information in the  
11 registration form is complete and accurate, the person shall verify  
12 registration by signing the form. If the information is not  
13 complete or not accurate, the person shall make any necessary  
14 additions or corrections before signing the form.

15 (j) If a person subject to registration under this chapter  
16 is released from a penal institution without being released to  
17 parole or placed on any other form of supervision and the person  
18 does not move to the address indicated on the registration form as  
19 the person's intended residence or does not indicate an address on  
20 the registration form, the person shall, not later than the seventh  
21 day after the date on which the person is released:

22 (1) report in person to the local law enforcement  
23 authority for the municipality or county, as applicable, in which  
24 the person is residing and provide that authority with the address  
25 at which the person is residing or, if the person's residence does  
26 not have a physical address, a detailed description of the  
27 geographical location of the person's residence; and

1           (2) until the person indicates the person's current  
2 address as the person's intended residence on the registration form  
3 or otherwise complies with the requirements of Article 62.055, as  
4 appropriate, continue to report, in the manner required by  
5 Subdivision (1), to that authority not less than once in each  
6 succeeding 30-day period and provide that authority with the  
7 address at which the person is residing or, if applicable, a  
8 detailed description of the geographical location of the person's  
9 residence.

10           (k) A person required to register under this chapter may not  
11 refuse or otherwise fail to provide any information required for  
12 the accurate completion of the registration form.

13           SECTION 3. Article 62.053(a), Code of Criminal Procedure,  
14 is amended to read as follows:

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

23           (1) inform the person that:

24           (A) not later than the later of the seventh day  
25 after the date on which the person is released or after the date on  
26 which the person moves from a previous residence to a new residence  
27 in this state or not later than [~~the later of~~] the first date the

1 applicable local law enforcement authority by policy allows the  
2 person to register or verify registration, the person  
3 must register or verify registration with the local law  
4 enforcement authority in the municipality or county in which the  
5 person intends to reside;

6 (B) not later than the seventh day after the date  
7 on which the person is released or the date on which the person  
8 moves from a previous residence to a new residence in this state,  
9 the person must, if the person has not moved to an intended  
10 residence, report to the applicable entity or entities as required  
11 by Article 62.051(h) or (j) or 62.055(e) [~~juvenile probation~~  
12 ~~officer, community supervision and corrections department officer,~~  
13 ~~or parole officer supervising the person]~~;

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

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

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

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

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

15 (3) obtain the address or, if applicable, a detailed  
16 description of each geographical location where the person expects  
17 to reside on the person's release and other registration  
18 information, including a photograph and complete set of  
19 fingerprints; and

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

21 SECTION 4. The heading to Article 62.055, Code of Criminal  
22 Procedure, is amended to read as follows:

23 Art. 62.055. CHANGE OF ADDRESS; LACK OF ADDRESS.

24 SECTION 5. Article 62.055, Code of Criminal Procedure, is  
25 amended by adding Subsection (i) to read as follows:

26 (i) If a person required to register under this chapter  
27 resides for more than seven days at a location or locations to which

1 a physical address has not been assigned by a governmental entity,  
2 the person, not less than once in each 30-day period, shall confirm  
3 the person's location or locations by:

4           (1) reporting to the local law enforcement authority  
5 in the municipality where the person resides or, if the person does  
6 not reside in a municipality, the local law enforcement authority  
7 in the county in which the person resides; and

8           (2) providing a detailed description of the applicable  
9 location or locations.

10           SECTION 6. Article 13.31, Code of Criminal Procedure, as  
11 amended by this Act, applies only to an offense committed on or  
12 after the effective date of this Act. An offense committed before  
13 the effective date of this Act is covered by the law in effect when  
14 the offense was committed, and the former law is continued in effect  
15 for that purpose. For purposes of this section, an offense was  
16 committed before the effective date of this Act if any element of  
17 the offense occurred before that date.

18           SECTION 7. The changes in law made by this Act in amending  
19 Chapter 62, Code of Criminal Procedure, apply to any person who, on  
20 or after the effective date of this Act, is required to register  
21 under that chapter, regardless of whether the offense or conduct  
22 for which the person is required to register occurs before, on, or  
23 after the effective date of this Act.

24           SECTION 8. This Act takes effect September 1, 2009.

David Dewhurst

President of the Senate

John Strawn

Speaker of the House

I certify that H.B. No. 2153 was passed by the House on May 12, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2153 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2153 on May 31, 2009, by the following vote: Yeas 141, Nays 0, 1 present, not voting.

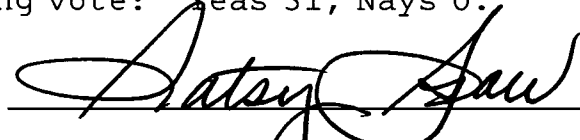
Robert Haney

Chief Clerk of the House



H.B. No. 2153

I certify that H.B. No. 2153 was passed by the Senate, with amendments, on May 26, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2153 on May 31, 2009, by the following vote: Yeas 31, Nays 0.

  
Secretary of the Senate

APPROVED: 19 JUN '09  
Date

  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK  
JUN 19 2009

