

BILL ANALYSIS

C.S.H.B. 355
By: Raney
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to interested parties, despite the increasing prominence of the issue of sexual assault and rape on college campuses, registered sex offenders are not prohibited from living in on-campus dormitories or housing facilities. C.S.H.B. 355 seeks to add a layer of protection for college students by prohibiting certain registered sex offenders from residing on the campus of a public or private institution of higher education.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 355 amends the Code of Criminal Procedure to prohibit a person subject to sex offender registration from residing on the campus of a public or private institution of higher education unless the person is assigned a numeric risk level of one based on an assessment conducted using the sex offender screening tool developed and selected by the risk assessment review committee established by the Texas Department of Criminal Justice and the institution approves the person to reside on the institution's campus. The bill requires an official of the penal institution from which a person subject to sex offender registration is due to be released to inform the person of the prohibition and requires a local law enforcement authority that provides a sex offender registration form to such a person for law enforcement verification purposes to include with the form a statement describing the prohibition.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 355 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter B, Chapter 62,

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter B, Chapter 62,

85R 21499

17.96.287

Substitute Document Number: 85R 17728

Code of Criminal Procedure, is amended by adding Article 62.064 to read as follows:
Art. 62.064. PROHIBITED LOCATION OF RESIDENCE. A person subject to registration under this chapter may not reside on the campus of a public or private institution of higher education.

SECTION 2. Article 62.051(e), Code of Criminal Procedure, is amended to read as follows:

(e) Not later than the third day after a person's registering, the local law enforcement authority with whom the person registered shall send a copy of the registration form to the department [~~and, if the person resides on the campus of a public or private institution of higher education, to any authority for campus security for that institution~~].

SECTION 3. 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;

Code of Criminal Procedure, is amended by adding Article 62.064 to read as follows:
Art. 62.064. PROHIBITED LOCATION OF RESIDENCE. A person subject to registration under this chapter may not reside on the campus of a public or private institution of higher education unless:

(1) the person is assigned a numeric risk level of one based on an assessment conducted using the sex offender screening tool developed or selected under Article 62.007; and

(2) the institution approves the person to reside on the institution's campus.

No equivalent provision.

SECTION 2. 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; [~~and~~]

(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; and

(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;

(2) require the person to sign a written statement that the person was informed of

(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; [~~and~~]

(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; and

(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;

(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 4. Article 62.058, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g) A local law enforcement authority that provides to a person subject to the prohibition described by Article 62.064 a registration form for verification as required by this chapter shall include with the form a statement describing the prohibition.

SECTION 5. (a) The change in law made by this Act in adding Article 62.064, Code of Criminal Procedure, applies only to a person who is required to register under Chapter 62, Code of Criminal Procedure, on the basis of a conviction or adjudication for an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

(b) A person who is required to register under Chapter 62, Code of Criminal Procedure, solely on the basis of a conviction or adjudication that occurs before the effective date of this Act is governed by the law in effect when the conviction or adjudication occurred, and the former law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2017.

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 3. Article 62.058, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g) A local law enforcement authority that provides to a person a registration form for verification as required by this chapter shall include with the form a statement describing the prohibition under Article 62.064.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.