

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 2153  
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Criminal Justice  
5/22/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

For the past several years, laws have been enacted to require individuals convicted of sexual offenses to register with their local law enforcement agencies. However, current law does not adequately address sex offenders who are homeless, those who are released from prison after serving their sentences, and those who fail to properly register. Therefore, laws need to be strengthened to insure that individuals are complying with state law.

There are various reasons why individuals may not choose to register as sex offenders. A sex offender may claim to be homeless for three primary reasons: that the offender is truly homeless because shelters and apartment complexes will not admit the offender; the offender has learned that he or she will be evicted upon registration at an address the offender may not reside, and finds it easier to claim to be homeless and stay at the residence anyway; or the offender may not want personal information released to the public. The actual percentage of homeless sex offenders is unknown, but some individuals who claim to be homeless actually have residences and are willingly deceiving the public and law enforcement about their whereabouts. This situation causes law enforcement authorities to encounter many difficulties tracking and monitoring homeless sex offenders. Addressing this issue would reduce the incentive for a sex offender to claim that he or she is homeless.

C.S.H.B. 2153 amends current law relating to certain registration requirements imposed on sex offenders.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 13.31, Code of Criminal Procedure, as follows:

Art. 13.31. FAILURE TO COMPLY WITH SEX OFFENDER REGISTRATION STATUTE. Authorizes an offense under Chapter 62 (Sex Offender Registration Program) to be prosecuted in certain counties, including 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 the county in which the person required to register under Chapter 62 resides or is found by a peace officer, regardless of how long the person has been in the county or intends to stay in the county.

SECTION 2. Amends Article 62.051, Code of Criminal Procedure, by amending Subsections (c) and (f) and adding Subsections (j) and (k), as follows:

(c) Requires that the registration form require certain information, including the person's full name, including each alias, the person's date of birth, sex, race, height, weight, eye color, hair color, social security number, driver's license number, and shoe size, and the address at which the person resides or intends to reside or, if the person does not reside or intend to reside at a physical address, a detailed description of each geographical location at which the person resides or intends to reside, rather than home address.

(f) Requires a person for whom registration is completed under this chapter, not later than the seventh day after the date on which the person is released, to report to the applicable local law enforcement authority to verify the information in the registration form received by the authority under this chapter.

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

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

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

(k) Prohibits a person required to register under this chapter from refusing or otherwise failing to provide any information required for the accurate completion of the registration form.

### SECTION 3. Amends Article 62.053(a), Code of Criminal Procedure, as follows:

(a) Requires an official of the penal institution, before releasing the person, to:

(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, rather than not later than the later of the first date, the applicable local law enforcement authority by policy allows the person to register or verify registration, the person is required to 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 on the date on which the person moves from a previous residence to a new residence in this state, if the person has not moved to an intended residence, the person is required to report to the applicable entities as required by Article 62.051(h) (relating to requiring the person to report certain persons if the person does not move to the intended residence) or (j) or 62.055(e) (relating to requiring a person to report to certain persons if the person does not move on the anticipated date or to the new address provided), rather than to the juvenile probation officer, community supervision and corrections department officer, or parole officer supervising the person; and

(C)-(F) Makes no changes to these paragraphs.

(2) Makes no changes to this subdivision;

(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) Makes no changes to this subdivision.

SECTION 4. Amends the heading to Article 62.055, Code of Criminal Procedure, to read as follows:

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

SECTION 5. Amends Article 62.055, Code of Criminal Procedure, by adding Subsection (i), to require the person, not less than once in each 30-day period, if a person required to register under this chapter resides for more than seven days at a location or locations to which a physical address has not been assigned by a governmental entity, to confirm the person's location or locations by reporting to the local law enforcement authority in the municipality where the person resides or, if the person does not reside in a municipality, the local law enforcement authority in the county in which the person resides and providing a detailed description of the applicable location or locations.

SECTION 6. Makes application of Article 13.31, Code of Criminal Procedure, as amended by this Act, prospective.

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

SECTION 8. Effective date: September 1, 2009.