

By: Leibowitz

H.B. No. 22

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a sex offender's duty to report the establishment or use
3 of certain Internet communication identifiers.

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

5 SECTION 1. Article 62.051, Code of Criminal Procedure, is
6 amended by amending Subsection (c) and adding Subsection (j) to
7 read as follows:

8 (c) The registration form shall require:

9 (1) the person's full name, [~~each alias,~~] date of
10 birth, sex, race, height, weight, eye color, hair color, social
11 security number, driver's license number, shoe size, and home
12 address, and each alias, assumed name, nickname, or pseudonym,
13 including a screen name, used by the person;

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;

1 (6) an indication as to whether the person is or will
2 be employed, carrying on a vocation, or a student at a particular
3 public or private institution of higher education in this state or
4 another state, and the name and address of that institution; ~~and~~

5 (7) the identification of any electronic mail address,
6 instant messaging address, or other Internet communication
7 identifier established or used by the person; and

8 (8) any other information required by the department.

9 (j) The department by rule shall define:

10 (1) "screen name" for the purposes of Subsection
11 (c)(1); and

12 (2) "Internet communication identifier" for the
13 purposes of Subsection (c)(7).

14 SECTION 2. Article 62.053(a), Code of Criminal Procedure,
15 is amended to read as follows:

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

24 (1) inform the person that:

25 (A) not later than the later of the seventh day
26 after the date on which the person is released or after the date on
27 which the person moves from a previous residence to a new residence

1 in this state or not later than the later of the first date the
2 applicable local law enforcement authority by policy allows the
3 person to register or verify registration, the person must register
4 or verify registration with the local law enforcement authority in
5 the municipality or county in which the 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 juvenile probation officer, community
11 supervision and corrections department officer, or parole officer
12 supervising the person;

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

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

27 (E) not later than the 30th day after the date on

1 which the person is released, the person must apply to the
2 department in person for the issuance of an original or renewal
3 driver's license or personal identification certificate and a
4 failure to apply to the department as required by this paragraph
5 results in the automatic revocation of any driver's license or
6 personal identification certificate issued by the department to the
7 person; ~~and~~

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

10 (G) the person must report any establishment or
11 use of an electronic mail address, instant messaging address, or
12 other Internet communication identifier in accordance with Article
13 62.0551;

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

18 (3) obtain the address where the person expects to
19 reside on the person's release and other registration information,
20 including a photograph and complete set of fingerprints; and

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

22 SECTION 3. Subchapter B, Chapter 62, Code of Criminal
23 Procedure, is amended by adding Article 62.0551 to read as follows:

24 Art. 62.0551. CHANGE OF ELECTRONIC ADDRESS. (a) If a
25 person required to register under this chapter establishes or
26 begins to use an electronic mail address, instant messaging
27 address, or other Internet communication identifier, the person

1 shall, before the end of the next working day after the person
2 establishes or begins using the address or identifier, provide
3 written notice of the address or identifier to the local law
4 enforcement authority designated as the person's primary
5 registration authority by the department.

6 (b) Not later than the third day after receipt of
7 information under Subsection (a), the local law enforcement
8 authority shall forward the information to the department.

9 (c) For purposes of this article, "Internet communication
10 identifier" has the meaning assigned by the department under
11 Article 62.051(j)(2).

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

14 (f) A local law enforcement authority who provides a person
15 with a registration form for verification as required by this
16 chapter shall include with the form a statement and description of
17 the person's registration duties under Article 62.0551.

18 SECTION 5. The change in law made by this Act applies to a
19 person subject to registration under Chapter 62, Code of Criminal
20 Procedure, for an offense or conduct that was committed before, on,
21 or after the effective date of this Act.

22 SECTION 6. This Act takes effect September 1, 2009.