

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 2009
Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2153 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Shapiro
SEN. SHAPIRO

R. Ellis
SEN. ELLIS

Duncan
SEN. DUNCAN

Wendy Davis
SEN. DAVIS

J. J. Hinojosa
On the part of the Senate
SEN. HINOJOSA

Al Edwards
REP. AL EDWARDS

Carol N. Kent
REP. CAROL KENT

Debbie Riddle
REP. DEBBIE RIDDLE

Allen Fletcher
REP. ALLEN FLETCHER

Allen Vaught
On the part of the House
REP. ALLEN VAUGHT

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 2153

A BILL TO BE ENTITLED

1

AN ACT

2 relating to certain registration requirements imposed on sex
3 offenders.

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

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

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

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

12 (2) the county in which the person subject to Chapter
13 62 last registered, verified registration, or otherwise complied
14 with a requirement of Chapter 62;

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

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

23 (5) the county in which the person required to
24 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.

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HOUSE VERSION

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

SENATE VERSION

SECTION 1. Same as House version.

CONFERENCE

SECTION 1. Same as House version.

The following rows were presented as identical to language in the engrossed version of Senate Bill 689 relating to restrictions on the use of the Internet by sex offenders and to the reporting, collection, and exchange of information regarding those offenders, providing a civil penalty.

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No equivalent provision.

SECTION __. Amend Article 62.001, Code of Criminal Procedure, insert the following:

(11) "Online identifier" means electronic mail address information or a name used by a person when sending or receiving an instant message, social networking communication, or similar Internet communication or when participating in an Internet chat. The term includes an assumed name, nickname, pseudonym, moniker, or user name established by a person for use in connection with an electronic mail address, chat or instant chat room platform, commercial social networking site, or online picture-sharing service.

Same as House version.

No equivalent provision.

SECTION __. Article 62.005, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (j) to read as follows:

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

(1) regarding the person's social security number ~~or~~[;] driver's license number, or any home, work, or cellular telephone number of the person;

(2) that is described [~~required~~] by [~~the department under~~] Article 62.051(c)(7) or required by the department under Article 62.051(c)(8); or

(3) that would identify the victim of the offense for which the person is subject to registration.

(j) The department, for law enforcement purposes, shall

Same as House version.

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release all relevant information described by Subsection (a), including information that is not public information under Subsection (b), to a peace officer, an employee of a local law enforcement authority, or the attorney general on the request of the applicable person or entity.

No equivalent provision.

SECTION __. Subchapter A, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.0061 to read as follows:

Art. 62.0061. REQUEST FOR ONLINE IDENTIFIERS BY SOCIAL NETWORKING SITES. (a) On request by a commercial social networking site, the department may provide to the commercial social networking site:

(1) all public information that is contained in the database maintained under Article 62.005; and

(2) notwithstanding Article 62.005(b)(2), any online identifier established or used by a person who uses the site, is seeking to use the site, or is precluded from using the site.

(b) The department by rule shall establish a procedure through which a commercial social networking site may request information under Subsection (a), including rules regarding the eligibility of commercial social networking sites to request information under Subsection (a). The department shall consult with the attorney general, other appropriate state agencies, and other appropriate entities in adopting rules under this subsection.

(c) A commercial social networking site or the site's agent:

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(1) may use information received under Subsection (a) only to:

(A) prescreen persons seeking to use the site; or

(B) preclude persons registered under this chapter from using the site; and

(2) may not use any information received under Subsection (a) that the networking site obtained solely under Subsection (a) in any manner not described by Subdivision (1).

(d) A commercial social networking site that uses information received under Subsection (a) in any manner not described by Subsection (c)(1) or that violates a rule adopted by the department under Subsection (b) is subject to a civil penalty of \$1,000 for each misuse of information or rule violation. A commercial social networking site that is assessed a civil penalty under this article shall pay, in addition to the civil penalty, all court costs, investigative costs, and attorney's fees associated with the assessment of the penalty. A civil penalty assessed under this subsection shall be deposited to the compensation to victims of crime fund established under Subchapter B, Chapter 56.

(e) This article does not create a private cause of action against a commercial social networking site, including a cause of action that is based on the site:

(1) identifying, removing, disabling, blocking, or otherwise affecting the user of a commercial social networking site, based on a good faith belief that the person is required to register as a sex offender under this chapter or federal law; or

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(2) failing to identify, remove, disable, block, or otherwise affect the user of a commercial social networking site who is required to register as a sex offender under this chapter or federal law.

(f) In this article, "commercial social networking site":

(1) means an Internet website that:

(A) allows users, through the creation of Internet web pages or profiles or other similar means, to provide personal information to the public or other users of the Internet website;

(B) offers a mechanism for communication with other users of the Internet website; and

(C) has the primary purpose of facilitating online social interactions; and

(2) does not include an Internet service provider, unless the Internet service provider separately operates and directly derives revenue from an Internet website described by Subdivision (1).

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

(c) The registration form shall require:

(1) 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 [home] address at which the person resides or intends to reside or, if the person

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

(c) The registration form shall require:

(1) 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 [home] address at which the person resides or intends to reside or, if the person

SECTION 2. (c) and (f) are same as House version; (j) and (k) are same as Senate version.

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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;

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

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

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

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

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

(7) any other information required by the department.

(f) Not later than the seventh day after the date on which the person is released, a [A] person for whom registration is completed under this chapter shall report to the applicable local law enforcement authority to verify the information in the registration form received by the authority under this chapter. The authority shall require the person to produce proof of the person's

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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, and any home, work, or cellular telephone number of the person;

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

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

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

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

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

~~(7) the identification of any online identifier established or used by the person; and~~

(8) any other information required by the department.

(f) Not later than the seventh day after the date on which the person is released, a [A] person for whom registration is completed under this chapter shall report to the applicable local law enforcement authority to verify the information in the registration form received by the authority under this chapter. The authority shall require the person to produce proof of the person's

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identity and residence before the authority gives the registration form to the person for verification. If the information in the registration form is complete and accurate, the person shall verify registration by signing the form. If the information is not complete or not accurate, the person shall make any necessary additions or corrections before signing the form.

(j) 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 does not move to the residence indicated on the registration form as the person's intended residence, the person shall, not later than the seventh day after the date on which the person is released:

(1) report in person to the following local law enforcement authorities and provide those authorities with the address of the person's temporary residence or, if applicable, a detailed description of the geographical location of the person's temporary residence:

(A) the local law enforcement authority for the municipality or county, as applicable, in which the person actually resides; and

(B) the local law enforcement authority for the person's intended residence; and

(2) unless the person has otherwise complied with the requirements of Article 62.055, continue to report, in the

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identity and residence before the authority gives the registration form to the person for verification. If the information in the registration form is complete and accurate, the person shall verify registration by signing the form. If the information is not complete or not accurate, the person shall make any necessary additions or corrections before signing the form.

(j) 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, the person shall, not later than the seventh day after the date on which the person is released:

(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

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manner required by Subdivision (1), to those authorities not less than once in each 14-day period during any period in which the person has not moved to the intended residence and provide those authorities with the address of the person's temporary residence or, if applicable, a detailed description of the geographical location of the person's temporary residence.

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

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 Youth Commission 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 later of]~~ the first date the applicable local law enforcement

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

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 Youth Commission 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 later of]~~ the first date the applicable local law enforcement

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SECTION 3. Same as Senate version.

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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 entities as required by Article 62.051(h) or (j) or 62.055(e) [juvenile probation officer, community supervision and corrections department officer, or parole officer supervising the person];

(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

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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) [juvenile probation officer, community supervision and corrections department officer, or parole officer supervising the person];

(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

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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; and

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

(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.

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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; and

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

(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.

CONFERENCE

The following row was presented as identical to language in the engrossed version of Senate Bill 689 relating to restrictions on the use of the Internet by sex offenders and to the reporting, collection, and exchange of information regarding those offenders, providing a civil penalty

No equivalent provision.

SECTION __. Subsection (f)(1), Article 62.053, Code of

Same as House version.

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Criminal Procedure, is amended to read as follows:

(1) the person's social security number or[;] driver's license number, or any home, work, or cellular telephone number of the person; and

SECTION 4. The heading to Article 62.055, Code of Criminal Procedure, is amended to read as follows:
Art. 62.055. CHANGE OF ADDRESS; LACK OF ADDRESS.

SECTION 4. Same as House version.

SECTION 4. Same as House version.

The following row was presented as identical to language in the engrossed version of Senate Bill 689 relating to restrictions on the use of the Internet by sex offenders and to the reporting, collection, and exchange of information regarding those offenders, providing a civil penalty.

No equivalent provision.

SECTION __. Subsection (g)(1), Article 62.055, Code of Criminal Procedure, is amended to read as follows:
(1) the person's social security number or[;] driver's license number, or any home, work, or cellular telephone number of the person; and

Same as House version.

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

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

SECTION 5. Same as Senate version.

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HOUSE VERSION

(i) 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, the person, not less than once in each 14-day period, shall confirm the person's location or locations by:

(1) 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

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

SENATE VERSION

(i) 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, the person, not less than once in each 30-day period, shall confirm the person's location or locations by:

(1) 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

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

CONFERENCE

The following row was presented as identical to language in the engrossed version of Senate Bill 689 relating to restrictions on the use of the Internet by sex offenders and to the reporting, collection, and exchange of information regarding those offenders, providing a civil penalty.

No equivalent provision.

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

Art. 62.0551. CHANGE IN ONLINE IDENTIFIERS.

(a) If a person required to register under this chapter changes any online identifier included on the person's registration form or establishes any new online identifier not already included on the person's registration form, the person, not later than the later of the seventh day

Same as House version.

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HOUSE VERSION

SENATE VERSION

CONFERENCE

after the change or establishment or the first date the applicable authority by policy allows the person to report, shall report the change or establishment to the person's primary registration authority in the manner prescribed by the authority.

(b) A primary registration authority that receives information under this article shall forward information in the same manner as information received by the authority under Article 62.055.

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

SECTION 6. Same as House version.

SECTION 6. Same as House version.

SECTION 7. 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

SECTION 7. Same as House version.

SECTION 7. Same as House version.

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HOUSE VERSION

SENATE VERSION

CONFERENCE

after the effective date of this Act.

The following row was presented as identical to language in the engrossed version of Senate Bill 689 relating to restrictions on the use of the Internet by sex offenders and to the reporting, collection, and exchange of information regarding those offenders; providing a civil penalty.

No equivalent provision.

SECTION __. The Department of Public Safety of the State of Texas shall implement Subsection (c), Article 62.051, Code of Criminal Procedure, as amended by this Act, and Subsection (j), Article 62.005, and Article 62.0061, Code of Criminal Procedure, as added by this Act, as soon as practicable after September 1, 2009, but not later than January 1, 2010.

Same as House version.

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

SECTION 8. Same as House version.

SECTION 8. Same as House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2153 by Edwards (Relating to certain registration requirements imposed on sex offenders.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to expand the jurisdiction in which a person committing an offense under Chapter 62 may be prosecuted and to require that a person residing in a temporary or non-identified address provide the applicable law enforcement agencies with a detailed description of its geographical location. Section one of the bill would allow the county indicated by the person required to register as a sex offender as his or her residence to prosecute an offense under Chapter 62, regardless of whether that person establishes or attempts to establish residency in that county. In addition, the county in which the person required to register as a sex offender resides or is found by a peace officer, regardless of how long the person has been in the county or decides to stay in the county, may prosecute an offense under Chapter 62. Section two of the bill would require that the sex offender registration form include a detailed description of the geographical location at which the person resides or intends to reside, if the person does not reside at a permanent physical address. The bill would require that the person report to the applicable law enforcement agencies the geographical location of his or her temporary address not less than once in each 30-day period during any period in which the person has not moved to his or her intended permanent address. The Act would take effect on September 1, 2009. This analysis assumes that implementing the provisions of the bill would pose no significant fiscal impact to the state.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, ESi, GG, MWU, TP

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 2153 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.



(name)

MAY 30 2009

(date)