

## **BILL ANALYSIS**

H.B. 387  
By: Murphy  
Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that general-law municipalities lack the authority to adopt an ordinance restricting certain movements of a registered sex offender and contend that such lack of authority may result in general-law municipalities being considered by sex offenders as more acceptable places of residence. H.B. 387 seeks to address this issue by authorizing the governing body of a general-law municipality by ordinance to restrict certain movements of a registered sex offender.

### **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**

H.B. 387 amends the Local Government Code to authorize the governing body of a general-law municipality by ordinance to restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone, as defined by the bill, in the municipality. The bill specifies that a child safety zone includes a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children, but does not include a church and authorizes the ordinance to establish a distance requirement at any distance of not more than 1,000 feet.

H.B. 387 establishes as an affirmative defense to prosecution of an offense under the ordinance that the registered sex offender was in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes. The bill requires the ordinance to establish procedures for a registered sex offender to apply for an exemption from the ordinance. The bill requires the ordinance to exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date the ordinance is adopted and requires such an exemption to apply only to areas necessary for the registered sex offender to have access to and to live in the residence and to the period the registered sex offender maintains residency in the residence.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.