

BILL ANALYSIS

Senate Research Center
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H.B. 355
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

With the issue of sexual assault and rape being at the forefront of the campus safety discussions, it seems to be a statutory oversight that sex offenders on the Texas Department of Public Safety sex offender registry are allowed to live in an on-campus dormitory or on-campus housing facility. Given that studies show two in five Texas women and one in five Texas men will be sexually assaulted in their lifetime, and that approximately 23 percent of offenders commit some sort of sexual crime again, it is important to add this layer of protection to college students.

H.B. 355 addresses this issue by prohibiting registered sex offenders from living in on campus dormitories or other housing facilities. The bill also enables institutions of higher education to decide if a registered sex offender who is rated at the lowest likelihood of reoffending can live in on-campus housing.

H.B. 355 amends current law relating to prohibiting certain sex offenders from residing on the campus of a public or private institution of higher education.

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 Subchapter B, Chapter 62, Code of Criminal Procedure, by adding Article 62.064, as follows:

Art. 62.064. PROHIBITED LOCATION OF RESIDENCE. Prohibits a person subject to registration under this chapter (Sex Offender Registration Program) from residing on the campus of a public or private institution of higher education (IHE) 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 (Risk Assessment Review Committee; Sex Offender Screening Tool); and
- (2) the IHE approves the person to reside on the IHE's campus.

SECTION 2. Amends Article 62.053(a), Code of Criminal Procedure, as follows:

(a) Requires an official of a penal institution, before releasing a person who will be subject to registration under this chapter, to inform the person, among certain other matters, that 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. Makes nonsubstantive changes.

SECTION 3. Amends Article 62.058, Code of Criminal Procedure, by adding Subsection (g), to require a local law enforcement authority that provides to a person a registration form for

required verification to include with the form a statement describing the prohibition under Article 62.064.

SECTION 4. (a) Makes application of Article 62.064, Code of Criminal Procedure, prospective.

(b) Provides that 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 5. Effective date: September 1, 2017.