

AN ACT

relating to certain requirements imposed on a sex offender who enters the premises of a school and to the refusal of entry to or ejection from school district property.

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

SECTION 1. 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 Juvenile Justice Department 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 first date the applicable local law enforcement 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;

1 (B) not later than the seventh day after the date
2 on which the person is released or the date on which the person
3 moves from a previous residence to a new residence in this state,
4 the person must, if the person has not moved to an intended
5 residence, report to the applicable entity or entities as required
6 by Article 62.051(h) or (j) or 62.055(e);

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

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

21 (E) not later than the 30th day after the date on
22 which the person is released, the person must apply to the
23 department in person for the issuance of an original or renewal
24 driver's license or personal identification certificate and a
25 failure to apply to the department as required by this paragraph
26 results in the automatic revocation of any driver's license or
27 personal identification certificate issued by the department to the

1 person;

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

4 (G) certain types of employment are prohibited
5 under Article 62.063 for a person with a reportable conviction or
6 adjudication for a sexually violent offense involving a victim
7 younger than 14 years of age occurring on or after September 1,
8 2013; and

9 (H) if the person enters the premises of a school
10 as described by Article 62.064 and is subject to the requirements of
11 that article, the person must immediately notify the administrative
12 office of the school of the person's presence and the person's
13 registration status under this chapter;

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 or, if applicable, a detailed
19 description of each geographical location where the person expects
20 to reside on the person's release and other registration
21 information, including a photograph and complete set of
22 fingerprints; and

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

24 SECTION 2. Article 62.058, Code of Criminal Procedure, is
25 amended by adding Subsection (g) to read as follows:

26 (g) A local law enforcement authority who provides a person
27 with a registration form for verification as required by this

1 chapter shall include with the form a statement and, if applicable,
2 a description of the person's duty to provide notice under Article
3 62.064.

4 SECTION 3. Subchapter B, Chapter 62, Code of Criminal
5 Procedure, is amended by adding Article 62.064 to read as follows:

6 Art. 62.064. ENTRY ONTO SCHOOL PREMISES; NOTICE REQUIRED.

7 (a) In this article:

8 (1) "Premises" means a building or portion of a
9 building and the grounds on which the building is located,
10 including any public or private driveway, street, sidewalk or
11 walkway, parking lot, or parking garage on the grounds.

12 (2) "School" has the meaning assigned by Section
13 481.134, Health and Safety Code.

14 (b) A person subject to registration under this chapter who
15 enters the premises of any school in this state during the standard
16 operating hours of the school shall immediately notify the
17 administrative office of the school of the person's presence on the
18 premises of the school and the person's registration status under
19 this chapter. The office may provide a chaperon to accompany the
20 person while the person is on the premises of the school.

21 (c) The requirements of this article:

22 (1) are in addition to any requirement associated with
23 the imposition of a child safety zone on the person under Section
24 508.187, Government Code, or Article 42A.453 of this code; and

25 (2) do not apply to:

26 (A) a student enrolled at the school;

27 (B) a student from another school participating

1 at an event at the school; or

2 (C) a person who has entered into a written
3 agreement with the school that exempts the person from those
4 requirements.

5 SECTION 4. Section 37.001(a), Education Code, as amended by
6 Chapters 487 (S.B. 1541) and 1409 (S.B. 1114), Acts of the 83rd
7 Legislature, Regular Session, 2013, is reenacted and amended to
8 read as follows:

9 (a) The board of trustees of an independent school district
10 shall, with the advice of its district-level committee established
11 under Subchapter F, Chapter 11, adopt a student code of conduct for
12 the district. The student code of conduct must be posted and
13 prominently displayed at each school campus or made available for
14 review at the office of the campus principal. In addition to
15 establishing standards for student conduct, the student code of
16 conduct must:

17 (1) specify the circumstances, in accordance with this
18 subchapter, under which a student may be removed from a classroom,
19 campus, disciplinary alternative education program, or vehicle
20 owned or operated by the district;

21 (2) specify conditions that authorize or require a
22 principal or other appropriate administrator to transfer a student
23 to a disciplinary alternative education program;

24 (3) outline conditions under which a student may be
25 suspended as provided by Section 37.005 or expelled as provided by
26 Section 37.007;

27 (4) specify that consideration will be given, as a

1 factor in each decision concerning suspension, removal to a
2 disciplinary alternative education program, expulsion, or
3 placement in a juvenile justice alternative education program,
4 regardless of whether the decision concerns a mandatory or
5 discretionary action, to:

6 (A) self-defense;

7 (B) intent or lack of intent at the time the
8 student engaged in the conduct;

9 (C) a student's disciplinary history; or

10 (D) a disability that substantially impairs the
11 student's capacity to appreciate the wrongfulness of the student's
12 conduct;

13 (5) provide guidelines for setting the length of a
14 term of:

15 (A) a removal under Section 37.006; and

16 (B) an expulsion under Section 37.007;

17 (6) address the notification of a student's parent or
18 guardian of a violation of the student code of conduct committed by
19 the student that results in suspension, removal to a disciplinary
20 alternative education program, or expulsion;

21 (7) prohibit bullying, harassment, and making hit
22 lists and ensure that district employees enforce those
23 prohibitions; ~~and~~

24 (8) provide, as appropriate for students at each grade
25 level, methods, including options, for:

26 (A) managing students in the classroom, on school
27 grounds, and on a vehicle owned or operated by the district;

1 (B) disciplining students; and

2 (C) preventing and intervening in student
3 discipline problems, including bullying, harassment, and making
4 hit lists; and

5 (9) include an explanation of the provisions regarding
6 refusal of entry to or ejection from district property under
7 Section 37.105, including the appeal process established under
8 Section 37.105(h).

9 SECTION 5. Section 37.105, Education Code, is amended to
10 read as follows:

11 Sec. 37.105. UNAUTHORIZED PERSONS: REFUSAL OF ENTRY,
12 EJECTION, IDENTIFICATION. (a) A school administrator, school
13 resource officer, or school district peace officer [~~The board of~~
14 ~~trustees~~] of a school district [~~or its authorized representative~~]
15 may refuse to allow a person [~~without legitimate business~~] to enter
16 on or [~~property under the board's control and~~] may eject a [~~any~~
17 ~~undesirable~~] person from [~~the~~] property under the district's
18 control if the person refuses [~~on the person's refusal~~] to leave
19 peaceably on request and:

20 (1) the person poses a substantial risk of harm to any
21 person; or

22 (2) the person behaves in a manner that is
23 inappropriate for a school setting and:

24 (A) the administrator, resource officer, or
25 peace officer issues a verbal warning to the person that the
26 person's behavior is inappropriate and may result in the person's
27 refusal of entry or ejection; and

1 (B) the person persists in that behavior.

2 (b) Identification may be required of any person on the
3 property.

4 (c) Each school district shall maintain a record of each
5 verbal warning issued under Subsection (a)(2)(A), including the
6 name of the person to whom the warning was issued and the date of
7 issuance.

8 (d) At the time a person is refused entry to or ejected from
9 a school district's property under this section, the district shall
10 provide to the person written information explaining the appeal
11 process established under Subsection (h).

12 (e) If a parent or guardian of a child enrolled in a school
13 district is refused entry to the district's property under this
14 section, the district shall accommodate the parent or guardian to
15 ensure that the parent or guardian may participate in the child's
16 admission, review, and dismissal committee or in the child's team
17 established under Section 504, Rehabilitation Act of 1973 (29
18 U.S.C. Section 794), in accordance with federal law.

19 (f) The term of a person's refusal of entry to or ejection
20 from a school district's property under this section may not exceed
21 two years.

22 (g) A school district shall post on the district's Internet
23 website and each district campus shall post on any Internet website
24 of the campus a notice regarding the provisions of this section,
25 including the appeal process established under Subsection (h).

26 (h) The commissioner shall adopt rules to implement this
27 section, including rules establishing a process for a person to

1 appeal to the board of trustees of the school district the decision
2 under Subsection (a) to refuse the person's entry to or eject the
3 person from the district's property.

4 SECTION 6. Articles 62.053 and 62.058, Code of Criminal
5 Procedure, as amended by this Act, and Article 62.064, Code of
6 Criminal Procedure, as added by this Act, apply to a person subject
7 to registration under Chapter 62, Code of Criminal Procedure, for
8 an offense committed or conduct that occurs before, on, or after
9 September 1, 2017.

10 SECTION 7. Section 37.001(a), Education Code, as reenacted
11 and amended by this Act, and Section 37.105, Education Code, as
12 amended by this Act, apply beginning with the 2017-2018 school
13 year.

14 SECTION 8. (a) Except as provided by Subsection (b) of
15 this section, this Act takes effect immediately if it receives a
16 vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.

20 (b) Articles 62.053 and 62.058, Code of Criminal Procedure,
21 as amended by this Act, and Article 62.064, Code of Criminal
22 Procedure, as added by this Act, take effect September 1, 2017.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1553 passed the Senate on May 15, 2017, by the following vote: Yeas 29, Nays 2; May 26, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

I hereby certify that S.B. No. 1553 passed the House, with amendments, on May 24, 2017, by the following vote: Yeas 138, Nays 5, two present not voting; May 27, 2017, House granted request of the Senate for appointment of Conference Committee; May 28, 2017, House adopted Conference Committee Report by the following vote: Yeas 132, Nays 13, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor