

Texas Statutes Tiered Under the Federal Adam Walsh Act

TEXAS CCP CHAPTER 62, SUBCHAPTER I. EARLY TERMINATION OF CERTAIN PERSONS OBLIGATED TO REGISTER.

Art. 62.401. DEFINITION. In this subchapter, "council" means the Council on Sex Offender Treatment.

Art. 62.402. DETERMINATION OF MINIMUM REQUIRED REGISTRATION PERIOD. (a) The council by rule shall determine the minimum required registration period under 42 U.S.C. Section 14071 (**Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program) for each reportable conviction or adjudication under this chapter, if this state is to receive the maximum amount of federal money available to a state as described by that law.

(b) After determining the minimum required registration period for each reportable conviction or adjudication under Subsection (a), the council shall compile and publish a list of reportable convictions or adjudications for which a person must register under this chapter for a period that exceeds the minimum required registration period under federal law.

(c) To the extent possible, the council shall periodically verify with the Bureau of Justice Assistance or another appropriate federal agency the accuracy of the list of reportable convictions or adjudications described by Subsection (b). Reenacted and amended by Acts 2005, 79th Leg., Ch. 1008, Sec. 1.01, eff. September 1, 2005

*** NOTE: In July 2006 President George Bush signed into law the federal Sex Offender Registration and Notification Act (SORNA) The act is cited as the Adam Walsh Protection and Safety Act (AWA) which superseded the 1994 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

Texas Offense	Length of Duty for Registration Under Texas Law	Length of Duty by Tier Under Federal Law, Single Conviction
§ 43.05(a)(1), Compelling prostitution	10 years post discharge	Not required. Registration of this offense exceeds SORNA's requirements
§ 21.08, Indecent exposure (two or more convictions required for registration)	10 years post discharge	Not required. Registration of this offense exceeds SORNA's requirements.
§ 20.02, Unlawful restraint and victim is under 17	10 years post discharge, unless there is any other reportable conviction, at which time it becomes a lifetime duty.	Tier I Under SORNA, this is the equivalent of non-parental unlawful restraint; if committed by a parent, SORNA does not require registration.
§ 21.11(a)(2), Indecency with a child, exposure	10 years post discharge, unless there is a prior or subsequent reportable conviction at which time it becomes a lifetime duty.	Tier I
§ 43.26(a), Possession of child pornography	Lifetime	Tier I
§ 33.021, Online solicitation of a minor	10 years post discharge	Tier II

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Texas Offense	Length of Duty for Registration Under Texas Law	Length of Duty and Tier Under Federal Law, Single Conviction
§ 43.05(a)(2), Compelling prostitution and victim is under 17	Lifetime	Tier II
§ 43.25, Sexual performance by a child	Lifetime	Tier II
§ 43.26(e), Promotion of child pornography	Lifetime	Tier II
§ 21.11(a)(1), Indecency with a child, contact	Lifetime	Tier II if victim is 13 or less than 17
		Tier III if the victim is under 13
§ 20.04(a)(4), Aggravated kidnapping with intent to violate or abuse victim sexually	Lifetime	Tier III
§ 21.02, Continuous sexual abuse of young child or children	Lifetime	Tier III
§ 22.011, Sexual assault	Lifetime	Tier III
§ 22.021, Aggravated sexual assault	Lifetime	Tier III
§ 25.02, Prohibited sexual conduct	Lifetime	Tier III
§ 30.02(d), Burglary of a habitation with intent to commit a prohibited sex act	Lifetime	Tier III
Any attempts, conspiracies, and solicitations of any of the above listed offenses	10 years post discharge	Treated as if the offense had been completed.
§ 30.02(d), Burglary of a habitation with intent to commit a prohibited sex act	Lifetime	Tier III
Any attempts, conspiracies, and solicitations of any of the above listed offenses	10 years post discharge	Treated as if the offense had been completed.

***Any questions regarding the Tiering of Texas Offenses can be directed to the following:

U.S. Department of Justice, Office of Justice Program's SMART Office. Website: <http://www.ojp.usdoj.gov/smart/index.htm>
 810 7th Street, NW
 Washington, DC 20531
 Phone: 202-514-4689 Fax: 202-616-2906
GetSMART@usdoj.gov

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GLOSSARY

TEXAS CHAPTER 62

Art. 62.403. INDIVIDUAL RISK ASSESSMENT. (a) The council by rule shall establish, develop, or adopt an individual risk assessment tool or a group of individual risk assessment tools that:

(1) evaluates the criminal history of a person required to register under this chapter; and

(2) seeks to predict:

(A) the likelihood that the person will engage in criminal activity that may result in the person receiving a second or subsequent reportable adjudication or conviction; and

(B) the continuing danger, if any, that the person poses to the community.

(b) On the written request of a person with a single reportable adjudication or conviction that appears on the list published under Article 62.402(b), the council shall:

(1) evaluate the person using the individual risk assessment tool or group of individual risk assessment tools established, developed, or adopted under Subsection (a); and

(2) provide to the person a written report detailing the outcome of an evaluation conducted under Subdivision (1).

(c) An individual risk assessment provided to a person under this subchapter is confidential and is not subject to disclosure under Chapter 552, Government Code.

Art. 62.404. MOTION FOR EARLY TERMINATION. (a) A person required to register under this chapter who has requested and received an individual risk assessment under Article 62.403 may file with the trial court that sentenced the person for the reportable conviction or adjudication a motion for early termination of the person's obligation to register under this chapter. (b) A motion filed under this article must be accompanied by:

(1) a written explanation of how the reportable conviction or adjudication giving rise to the movant's registration under this chapter qualifies as a reportable conviction or adjudication that appears on the list published under Article 62.402(b); and

(2) a certified copy of a written report detailing the outcome of an individual risk assessment evaluation conducted under Article 62.403(b)(1).