

Texas Length of Duty to Register Compared to the Minimum Required Registration Period Under Federal Law (34 USC § 20911)

January 2021

Texas Code of Criminal Procedure Chapter 62, Subchapter I. Early Termination of Certain Persons' Obligation to Register.

Art. 62.402. Determination of Minimum Required Registration Period

(a) The department by rule shall determine the minimum required registration period under federal law for each reportable conviction or adjudication under this chapter.

(b) After determining the minimum required registration period for each reportable conviction or adjudication under Subsection (a), the department 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 department shall periodically verify with the United States Department of Justice's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking or another appropriate federal agency or office the accuracy of the list of reportable convictions or adjudications described by Subsection (b).

Under Art. 62.403(b), a person with a single reportable adjudication or conviction may apply to the Council on Sex Offender Treatment for an individual risk assessment. Therefore, a second reportable offense that makes the Texas registration period longer than the Federal requirement would not be eligible for deregistration because there is no longer just a single reportable offense. [i.e. §§ 20.02, or 21.11(a)(2)]

Art. 62.404 allows a registrant who has requested and received an individual risk assessment to 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.

<i>Texas Statute</i>	<i>Texas Offense</i>	<i>Length of Duty to Register in Texas</i>		<i>Length of Duty to Register under SORNA</i>
Not a single offense OR Federal registration requirement is LONGER or EQUAL TO the Texas registration requirement, so NOT ELIGIBLE to apply for deregistration under CCP 62.403(b)		A single offense AND Federal registration requirement is SHORTER than the Texas registration requirement, so ELIGIBLE to apply for deregistration under CCP 62.403(b)		
"Reportable conviction or adjudication" of any of the below offenses	If EXCEPTION under 34 U.S. 20911(5)(c) applies	Post-10 or Lifetime	No duty to register	
§ 20.02	Unlawful Restraint with an affirmative finding that the victim was under 17	Adult conviction, non-parent offender 1 st reportable conviction	Post-10	Tier I 15 years
		Adult conviction, non-parent offender 2 nd reportable conviction	Lifetime	Tier I 15 years
		Attempt/conspiracy/solicitation	Post-10	Tier I 15 years
		Committed by a parent	Same as above, depending on circumstances	No duty to register
§ 20.03	Kidnapping with an affirmative finding that victim was under 17	Adult conviction, non-parent offender 1 st reportable conviction	Post-10	Tier III Lifetime
		Adult conviction, non-parent offender 2 nd reportable conviction	Lifetime	Tier III Lifetime
		Attempt/conspiracy/solicitation	Post-10	Tier III Lifetime
		Committed by a parent	Same as above, depending on circumstances	No duty to register

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§ 20.04	Aggravated Kidnapping with an affirmative finding that victim was under 17	Adult conviction, non-parent offender 1 st reportable conviction	Post-10	Tier III Lifetime
		Adult conviction, non-parent offender 2 nd reportable conviction	Lifetime	Tier III Lifetime
		Attempt/conspiracy/solicitation	Post-10	Tier III Lifetime
		Committed by a parent	Same as above, depending on circumstances	No duty to register
§ 20.04(a)(4)	Aggravated Kidnapping with the intent to violate or abuse victim sexually	Adult conviction	Lifetime	Tier III Lifetime
		Attempt/conspiracy/solicitation	Post-10	Tier III Lifetime
§ 20A.02(a)(3) or (a)(4)	Trafficking of Adults	Adult conviction	Lifetime	Tier I 15 years
		Attempt/conspiracy/solicitation	Post-10	Tier I 15 years
§ 20A.02(a)(7) or (a)(8)	Trafficking of Children	Adult conviction	Lifetime	Tier II 25 years
		Attempt/conspiracy/solicitation	Post-10	Tier II 25 years
§ 20A.03	Continuous Trafficking of Persons (if victims are 18 or older)	Adult conviction	Lifetime	Tier I 15 years
		Attempt/conspiracy/solicitation	Post-10	Tier I 15 years
§ 20A.03	Continuous Trafficking of Persons (if victims are under 18)	Adult conviction	Lifetime	Tier II 25 years
		Attempt/conspiracy/solicitation	Post-10	Tier II 25 years

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§ 21.02	Continuous Sexual Abuse of Young Child or Children	Adult conviction (victim under 13)	Lifetime	Tier III Lifetime
		Adult conviction (victim age 13-17)	Lifetime	Tier II 25 years
		Attempt/conspiracy/solicitation	Post-10	Tier III Lifetime or Tier II 25 years
§ 21.08	Indecent Exposure	2 or more violations and the 2 nd violation is NOT a deferred adjudication	Post-10	No duty to register
§ 21.09	Bestiality and Attempt/conspiracy/solicitation	Post-10		Tier I 15 years
§ 21.11(a)(1)	Indecency with a Child by Contact	Adult conviction (victim age 13-17)	Lifetime	Tier II 25 years
		Adult conviction (victim under 13)	Lifetime	Tier III Lifetime
		Attempt/conspiracy/solicitation	Post-10	Tier III Lifetime or Tier II 25 years
§ 21.11(a)(2)	Indecency with a Child by Exposure	1 conviction	Post-10	Tier I 15 years
		2 or more convictions	Lifetime	Tier I 15 years
		Attempt/conspiracy/solicitation	Post-10	Tier I 15 years
§ 22.011	Sexual Assault	Adult conviction	Lifetime	Tier III Lifetime
		Attempt/conspiracy/solicitation	Post-10	Tier III Lifetime
§ 22.021	Aggravated Sexual Assault	Adult conviction	Lifetime	Tier III Lifetime
		Attempt/conspiracy/solicitation	Post-10	Tier III Lifetime

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§ 25.02	Prohibited Sexual Conduct	Adult conviction	Lifetime	Tier III Lifetime
		Attempt/conspiracy/solicitation	Post-10	Tier III Lifetime
§ 30.02(d)	Burglary of a Habitation with Intent to Commit Sex Offense	Adult conviction	Lifetime	Tier III Lifetime
		Attempt/conspiracy/solicitation	Post-10	Tier III Lifetime
§ 33.021	Online Solicitation of a Minor	Post-10		Tier II 25 years
§ 43.02(c-1)(3)	Prostitution with a person younger than 18	Post-10		Tier II 25 years
§ 43.05(a)(1)	Compelling Prostitution of an Adult over 18 and Attempt/conspiracy/solicitation	Post-10		No duty to register
§ 43.05(a)(2)	Compelling Prostitution Victim under 18	Adult conviction	Lifetime	Tier II 25 years
		Attempt/conspiracy/solicitation	Post-10	Tier II 25 years
§ 43.23(h)	Obscenity (if adult conviction and victim under age 18)	Lifetime		Tier II 25 years *if the victim is visually depicted in representations described under § 43.21(a)(1)(B) of the Texas Penal Code
§ 43.25	Sexual Performance by a Child	Adult conviction	Lifetime	Tier II 25 years
		Attempt/conspiracy/solicitation	Post-10	Tier II 25 years
§ 43.26(a)	Possession of Child Pornography	Adult conviction	Lifetime	Tier I 15 years
		Attempt/conspiracy/solicitation	Post-10	Tier I 15 years

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§ 43.26(e)	Promotion of Child Pornography	Adult conviction	Lifetime	Tier II 25 years
		Attempt/conspiracy/solicitation	Post-10	Tier II 25 years
Juveniles under 14 at the time of offense	Adjudication of delinquent conduct for any of the above offenses	Post-10	No duty to register	
Juveniles 14 or older at the time of offense	Adjudication of delinquent conduct for any of the above Tier I or II offenses	Post-10	No duty to register	
Juveniles 14 or older at the time of offense	Adjudication of delinquent conduct for any of the above Tier III offenses	Post-10	Lifetime	

References:

Texas Administrative Code

TITLE 37	PUBLIC SAFETY AND CORRECTIONS
PART 1	TEXAS DEPARTMENT OF PUBLIC SAFETY
CHAPTER 37	SEX OFFENDER REGISTRATION
RULE §37.3	Minimum Required Registration Period

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_floc=&p_ploc=&pg=1&tac=&ti=37&pt=1&ch=37&rl=3](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_floc=&p_ploc=&pg=1&tac=&ti=37&pt=1&ch=37&rl=3)

Texas Public Sex Offender Registry

HOMEPAGE	SEX OFFENDER REGISTRY
TIERED OFFENSES	TEXAS OFFENSES TIERED UNDER THE FEDERAL ADAM WALSH ACT

<https://publicsite.dps.texas.gov/SexOffenderRegistry/sor-public/SORNA.pdf>