

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

September 2022

## *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 ELIGIBLE to apply for deregistration under CCP 62.403(b) = Not a single offense OR Federal registration requirement is LONGER or EQUAL TO the Texas registration requirement  |   | ELIGIBLE to apply for deregistration under CCP 62.403(b) = A single offense AND Federal registration requirement is SHORTER than the Texas registration requirement  |   |   |
| ELIGIBLE to apply for deregistration IF REGISTERED more than 5 yrs while on deferred/parole/probation before discharge = A single offense AND Federal registration requirement is SHORTER than the Texas registration requirement |   | ELIGIBLE to apply for deregistration IF REGISTERED more than 15 yrs while on deferred/parole/probation before discharge = A single offense AND Federal registration requirement is SHORTER than the Texas registration requirement |   |   |
| <b>§ 20.02</b>  | <b>Unlawful Restraint</b><br>with an affirmative finding that the victim was under 17 | Adult conviction, non-parent offender<br>1 <sup>st</sup> reportable conviction   | Post-10                                   | Tier I<br>15 years                            |
|   |   | Adult conviction, non-parent offender<br>2 <sup>nd</sup> reportable conviction   | Lifetime                                  | Tier I<br>15 years                            |
|   |   | Attempt/conspiracy/solicitation  | Post-10                                   | Tier I<br>15 years                            |
|   |   | Committed by a parent  | Same as above, depending on circumstances | No duty to register                           |
| <b>§ 20.03</b>  | <b>Kidnapping</b><br>with an affirmative finding that                                 | Adult conviction, non-parent offender<br>1 <sup>st</sup> reportable conviction   | Post-10                                   | Tier III<br>Lifetime                          |

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|  |  |  |   |   |
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|  | victim was under 17  | Adult conviction, non-parent offender<br>2 <sup>nd</sup> reportable conviction | Lifetime  | Tier III<br>Lifetime                          |
|  |  | Attempt/conspiracy/solicitation  | Post-10   | Tier III<br>Lifetime                          |
|  |  | Committed by a parent  | Same as above, depending on circumstances   | No duty to register                           |
| <b>Texas Statute</b>   | <b>Texas Offense</b>   | <b>Length of Duty to Register in Texas</b>                                     |   | <b>Length of Duty to Register under SORNA</b> |
| 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) |   |
| § 20.04  | Aggravated Kidnapping with an affirmative finding that victim was under 17 | Adult conviction, non-parent offender<br>1 <sup>st</sup> reportable conviction | Post-10   | Tier III<br>Lifetime                          |
|  |  | Adult conviction, non-parent offender<br>2 <sup>nd</sup> reportable conviction | Lifetime  | Tier III<br>Lifetime                          |
|  |  | Attempt/conspiracy/solicitation  | Post-10   | Tier III<br>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<br>Lifetime                          |
|  |  | Attempt/conspiracy/solicitation  | Post-10   | Tier III<br>Lifetime                          |
| § 20A.02(a)(3) or (a)(4)   | Trafficking of Adults  | Adult conviction   | Lifetime  | Tier I<br>15 years                            |
|  |  | Attempt/conspiracy/solicitation  | Post-10   | Tier I<br>15 years                            |
| § 20A.02(a)(7) or (a)(8)   | Trafficking of Children  | Adult conviction   | Lifetime  | Tier II<br>25 years                           |
|  |  | Attempt/conspiracy/solicitation  | Post-10   | Tier II<br>25 years                           |
| § 20A.03   | Continuous Trafficking of Persons (if victims are 18 or older)             | Adult conviction   | Lifetime  | Tier I<br>15 years                            |
|  |  | Attempt/conspiracy/solicitation  | Post-10   | Tier I<br>15 years                            |
| § 20A.03   | Continuous Trafficking of Persons (if victims are under 18)                | Adult conviction   | Lifetime  | Tier II<br>25 years                           |
|  |  | Attempt/conspiracy/solicitation  | Post-10   | Tier II<br>25 years                           |

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| <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> |
|----------------------|--|--|----------|---|
|                      |  | 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)              |          |   |
|                      |  | 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) |          |   |
| § 21.02              | Continuous Sexual Abuse of Young Child or Children | Adult conviction (victim under 13)   | Lifetime | Tier III<br>Lifetime                          |
|                      |  | Adult conviction (victim age 13-17)  | Lifetime | Tier II<br>25 years                           |
|                      |  | Attempt/conspiracy/solicitation  | Post-10  | Tier III Lifetime or<br>Tier II 25 years      |
| § 21.08              | Indecent Exposure                                  | 2 or more violations and the 2 <sup>nd</sup> violation is NOT a deferred adjudication  | Post-10  | No duty to register                           |
| § 21.09              | Bestiality and Attempt/conspiracy/solicitation     | Post-10  |          | Tier I<br>15 years                            |
| § 21.11(a)(1)        | Indecency with a Child by Contact                  | Adult conviction (victim age 13-17)  | Lifetime | Tier II<br>25 years                           |
|                      |  | Adult conviction (victim under 13)   | Lifetime | Tier III<br>Lifetime                          |
|                      |  | Attempt/conspiracy/solicitation  | Post-10  | Tier III Lifetime or<br>Tier II 25 years      |
| § 21.11(a)(2)        | Indecency with a Child by Exposure                 | 1 conviction   | Post-10  | Tier I<br>15 years                            |
|                      |  | 2 or more convictions  | Lifetime | Tier I<br>15 years                            |
|                      |  | Attempt/conspiracy/solicitation  | Post-10  | Tier I<br>15 years                            |
| § 22.011             | Sexual Assault                                     | Adult conviction   | Lifetime | Tier III<br>Lifetime                          |
|                      |  | Attempt/conspiracy/solicitation  | Post-10  | Tier III<br>Lifetime                          |
|                      |  | Adult conviction if exception under 34 U.S. 20911(5)(c) applies  | Lifetime | No duty to register                           |
| § 22.021             | Aggravated Sexual Assault                          | Adult conviction   | Lifetime | Tier III<br>Lifetime                          |
|                      |  | Attempt/conspiracy/solicitation  | Post-10  | Tier III<br>Lifetime                          |

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| § 25.02  | Prohibited Sexual Conduct   | Adult conviction  | Lifetime | Tier III<br>Lifetime   |
|  |   | Attempt/conspiracy/solicitation   | Post-10  | Tier III<br>Lifetime   |
| § 30.02(d)   | Burglary of a Habitation with Intent to Commit Sex Offense                      | Adult conviction  | Lifetime | Tier III<br>Lifetime   |
|  |   | Attempt/conspiracy/solicitation   | Post-10  | Tier III<br>Lifetime   |
| § 33.021   | Online Solicitation of a Minor  | Post-10   |          | Tier II<br>25 years  |
| § 43.02(c-1)(3)  | Prostitution with a person younger than 18                                      | Post-10   |          | Tier II<br>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<br>25 years  |
|  |   | Attempt/conspiracy/solicitation   | Post-10  | Tier II<br>25 years  |
| § 43.23(h)   | Obscenity (if adult conviction and victim under age 18)                         | Lifetime  |          | Tier II<br>25 years<br>*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<br>25 years  |
|  |   | Attempt/conspiracy/solicitation   | Post-10  | Tier II<br>25 years  |
| § 43.26(a)   | Possession of Child Pornography   | Adult conviction  | Lifetime | Tier I<br>15 years   |
|  |   | Attempt/conspiracy/solicitation   | Post-10  | Tier I<br>15 years   |

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| § 43.26(e)   | Promotion of Child Pornography  | Adult conviction  | Lifetime | Tier II<br>25 years                           |
|  |   | Attempt/conspiracy/solicitation   | Post-10  | Tier II<br>25 years                           |
| Adult conviction of any of the above offenses  | If EXCEPTION under 34 U.S. 20911(5)(c) applies                                | Post-10 or Lifetime   |          | No duty to register                           |
| 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\\_tloc=&p\\_ploc=&pg=1&p\\_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_tloc=&p_ploc=&pg=1&p_tac=&ti=37&pt=1&ch=37&rl=3)

## Texas Public Sex Offender Registry

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

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SEX OFFENDER REGISTRY

[HOMEPAGE](#)

[TIERED OFFENSES](#)

TEXAS OFFENSES TIERED UNDER THE FEDERAL ADAM WALSH ACT

[https://records.txdps.state.tx.us/SexOffenderRegistry/sor-public/SORNA\\_2019June.pdf](https://records.txdps.state.tx.us/SexOffenderRegistry/sor-public/SORNA_2019June.pdf)