

SUBJECT: Free Internet access to the DPS Sex Offender Database

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 6 ayes — B. Turner, Keel, Berman, Carter, Hupp, Najera

0 nays

3 absent — Driver, Gutierrez, P. King

WITNESSES: For —None

Against —None

On —Ben Kyser, Department of Public Safety

BACKGROUND: The Department of Public Safety (DPS) requires that a person convicted of a sexual offense must register with the local law enforcement authority in any municipality or county where the person resides or intends to reside for more than seven days, as well as with the DPS. The person must register within seven days of the person's arrival in the municipality or county (Code of Criminal Procedure, Chapter 62).

Article 62.08 of the Code of Criminal Procedure requires the Department of Public Safety (DPS) to maintain a computerized database containing information on registered sex offenders, some of which is public information.

The public information in the database includes:

- ! the person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, shoe size, street name, city, and zip code;
- ! the type of offense the person was convicted of, the age of the victim, the date of conviction, and the punishment received;
- ! and an indication as to whether the person is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision. Public information excludes the person's social security number, driver's license number, street address, and telephone number.

DPS makes this information available to law enforcement agencies and the general public on request, either in writing or via two different databases on the Internet, the DPS Sex Offender Database and the DPS Conviction Records Database. Information from these databases also can be requested in writing.

DPS currently charges between \$10 and \$15 for inquiries made in writing for either of these databases. Charges for information obtained from the Internet databases are based on actual costs, or just over \$3.50 per transaction.

DIGEST: CSHB 1432 would prohibit the Department of Public Safety (DPS) from charging anything for online requests for public information from the DPS Sex Offender Database on the Internet.

However, DPS would be allowed to charge for actual costs associated with Internet requests for public information from its other database, the DPS Convictions Records Database.

CSHB 1432 would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

SUPPORTERS SAY: Free access to public information about potential sex offenders is crucial to ensuring public safety. Many people are wary about paying for services on the Internet. Eliminating the charge for access to the Sex Offender Database would encourage more people to obtain information that could make them more aware of potential dangers in their neighborhoods.

Previously, start-up costs made the fee for access necessary. Those costs have mostly been recouped, so the fee is no longer needed.

OPPONENTS SAY: People who do not have access to the Internet are entitled to the same free access to public information given to people with Internet access. The information is important for everyone, and the fee should not be eliminated not only for electronic requests, but for written requests as well.

NOTES: The committee substitute would specify that DPS could not charge for processing an electronic inquiry into the Sex Offender Database. The original bill stated that DPS could not charge “actual costs.”