

- SUBJECT:** Requiring notification of name changes by registered sex offenders
- COMMITTEE:** Law Enforcement — favorable, without amendment
- VOTE:** 6 ayes — Driver, Garza, Hupp, Y. Davis, Hegar, Keel
0 nays
1 present not voting — Burnam
0 absent
- SENATE VOTE:** On final passage, March 17 — voice vote
- WITNESSES:** None
- BACKGROUND:** Code of Criminal Procedure (CCP), art. 62.05(a) requires probation or parole personnel supervising registered sex offenders to inform local law enforcement promptly if an offender they supervise is hospitalized, changes employment, leaves his or her job, or transfers to another location with his or her present employer. The 77th Legislature in 2001 enacted HB 121 by West (CCP, art. 62.05(b)) which requires all registered sex offenders, regardless of whether they under supervision, to inform their local law enforcement agency within seven days if they are hospitalized, change employment, leave their job, or transfer to another location with their present employer.
- A person who must register as a sex offender commits an offense by failing to comply with any requirement of CCP, art. 62. The offense ranges from a state jail felony (punishable by 180 days to two years in a state jail and an optional fine of up to \$10,000) to a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000), depending on how often the offender is required to verify registration with local law enforcement.
- Family Code, sec. 45.002 requires that a petition to change the name of a child include the following verified information:
- the child’s present name and current residence;

- the reason the change is requested;
- the full name requested for the child; and
- whether the child is subject to the continuing exclusive jurisdiction of a court under Family Code, ch. 155.

Sec. 45.102 requires that a petition to change the name of an adult include the following verified information:

- the petitioner's present name and place of residence;
- the full name requested;
- the reason the name change is requested; and
- whether the petitioner has been subject of a final felony conviction.

DIGEST:

SB 146 would require that registered sex offenders report any name change to the local law enforcement agency within seven days.

A child who was a registered sex offender would have to include that information in the name-change petition. The person petitioning for the child's name change would have to demonstrate why the change would be in the public interest and would have to furnish proof that the child had notified the local law enforcement agency of the proposed name change. An adult sex offender also would have to include information about sex-offender status in a petition to change the adult's name.

A court could order a name change for a registered sex offender if the court found that the name change was in the public interest and if the petitioner provided proof of having notified the local law enforcement authority of the proposed name change.

The bill would take effect September 1, 2003. It would apply to all registered sex offenders regardless of when the offense was committed, but would apply only to name-change petitions filed on or after the effective date.

**SUPPORTERS
SAY:**

SB 146 would close a loophole in state law that relieves sex offenders, regardless of their supervisory status, of their responsibility to report changes in their names. A person's name remains the best and most obvious way of identifying the person. For example, a female sex offender could marry and change her name to that of her spouse, and she would not have to report that change to the local law enforcement agency. She also might choose not to be

employed and would not have to use her social security number. Conceivably, she could fall through the cracks and not be under any supervision by a law enforcement agency. This bill would ensure that sex offenders' name changes were reported promptly.

Sex offenders should have no difficulty complying with the seven-day notification requirement, because they would have to plan ahead to change their names, either by marriage or through the court process. SB 146 fairly would place the burden on the sex offender to ensure that the local law enforcement agency was notified. Currently, few sex offenders must report to law enforcement agencies to verify their personal information every 60 or 90 days. Most update that information annually. Conceivably, a person would have 364 days to report a name change and could be lost to the sex-offender registration system.

SB 146 would not place a significant burden on law enforcement agencies receiving the information. Sex offenders already have to report changes in their job or health status — actions more common than name changes — within seven days.

Sex offenders should be made to meet the strict standards of the registration laws. So-called “technical violations” may mask intentions to commit further sex crimes. Failure to follow registration procedures, including the proposed name-change provisions, should be punished to the full extent of the law.

**OPPONENTS
SAY:**

The severe consequences of failing to inform law enforcement of a change in name would be out of proportion for not meeting an essentially bureaucratic requirement. Seven days is too short a deadline, and sex offenders should not be punished further for such technical violations.