

SUBJECT: Sending sex offender registration information to colleges and universities

COMMITTEE: Law Enforcement — committee substitute recommended

VOTE: 4 ayes — Driver, Garza, Y. Davis, Keel

0 nays

3 absent — Hupp, Burnam, Hegar

SENATE VOTE: On final passage, May 6 — 31-0, on Local and Uncontested Calendar

WITNESSES: None

BACKGROUND: Texas' sex offender registration and notification law requires some sex offenders to register with local law enforcement authorities and requires public notification about the whereabouts of some sex offenders.

Offenders must register with local law enforcement authorities, and criminal justice officials must notify local law enforcement authorities when sex offenders plan to move to their jurisdiction. If local law enforcement authorities verify that a sex offender's victim was younger than 17 and the offender was not a juvenile or the conviction was not a deferred adjudication for incest, they must publish in a local newspaper a notice of the offender's whereabouts. If the victim was younger than 17, regardless of the basis for registration, or if the person subject to registration is at least 17 years old and a student in a secondary school, law enforcement authorities must provide notice of the offender by mail to the superintendent of the public school district and to any private school administrators in the school district where the offender intends to live.

Federal law makes specific requirements concerning sex offenders' registration with security authorities on campuses of higher education institutions mandatory for states to continue to receive federal funding.

DIGEST: **Registration with campus security.** CSSB 871 would require a sex offender subject to registration who was employed, carried on a vocation, or was a

student at a higher education institution to report to campus security authorities or local law enforcement authorities within seven days of beginning the offender's affiliation with the institution. Such offenders also would have to notify campus security or local law enforcement authorities if they terminated their affiliation with the institution. Campus security authorities and local law enforcement authorities would have to forward the information promptly to the institution's administrative office.

A person who lived in Texas but was employed, carried on a vocation, or was a student at a higher education institution in another state that also has registration requirements would have to register with campus security at the institution within 10 days of beginning work or school.

Probation and parole officers who supervised sex offenders would have to notify local law enforcement agencies of changes in offender status relating to employment, carrying on a vocation, or becoming a student at a higher education institution. Offenders would have to report the same information to local law enforcement agencies, and local law enforcement would have to report it to the Department of Public Safety (DPS).

DPS would have to send information about sex offenders to campus security authorities or local law enforcement authorities within three days of obtaining such information. Upon written request, DPS could release to higher education institutions information that would identify an offender and state that the offender had applied for work or to study at the institution.

The bill would add higher education institutions to the list of those who are immune for release of public information as required by the statutes. Higher education institutions could not be required to delete sex-offender information under an order issued to restrict a juvenile's registration.

The bill would allow volunteering to be considered working for the purposes of determining if an offender was a worker or student.

**Newspaper publication.** CSSB 871 would move language concerning what information must be published in newspapers to a separate section addressing that issue alone. Local law enforcement authorities would be prohibited from publishing notices with sex offenders' information in a newspaper if the basis

for registration was adjudication of delinquent conduct or a conviction or deferred adjudication for prohibited sexual conduct (incest) if the victim at the time of the offense was younger than 17. Law enforcement authorities would be prohibited from publishing newspaper notices about offenders who moved into another city or area after they had registered initially in another place, if the offender was assigned a numeric risk level of one, the lowest level.

**Notice to school administrators.** Local law enforcement authorities would have to provide notice to school superintendents and administrators only if the victim was younger than 17 at the time of the offense or a secondary school student; the offender was a secondary school student; or the basis for the registration was a conviction or deferred adjudication or a juvenile adjudication for sexual performance by a child or possession or promotion of child pornography. Law enforcement would be prohibited from providing notice to superintendents and administrators if the basis for registration was a conviction or deferred adjudication for prohibited sexual conduct.

**Other provisions.** DPS would have to determine which local law enforcement authority would serve as the offender's primary registration authority on the basis of where the offender lived.

CSSB 871 would impose registration deadlines for people who anticipated moving but did not move to notify law enforcement that they did not move.

The bill would take effect September 1, 2003.

**NOTES:**

The committee substitute made many changes to the Senate engrossed version of SB 871, including:

- moving sections about the newspaper publication of sex-offender information and notice to school superintendents and administrators information into their own sections and amending those sections;
- adding a section requiring the registration of workers or students at higher education institutions; and
- adding sections about higher education institutions' handling of sex-offender information.