

SUBJECT: Establishing a centralized sex offender registration authority

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Gallego, Christian, Fletcher, Kent, Miklos, Moody, Pierson, Vaught, Vo

0 nays

2 absent — Hodge, Riddle

WITNESSES: For — Kevin Petroff, Harris County District Attorney’s Office; (*Registered, but did not testify:* Katrina Daniels, Bexar County District Attorney’s Office; Winfred Dean, Harris County Community Supervision and Corrections Department; Philip Grant, Montgomery County District Attorney’s Office; Steve Lyons, Houston Police Department; Joel Zamarripa, Harris County Community Supervision and Corrections Department)

Against — (*Registered, but did not testify:* T.J. Patterson, City of Fort Worth)

On — Randy Batten, Texas Department of Public Safety; (*Registered, but did not testify:* Vincent Castilleja, Scott Merchant, Texas Department of Public Safety)

BACKGROUND: Code of Criminal Procedure, ch. 62 requires a person with a reportable conviction or adjudication, or parole or supervision condition of registration, to 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. Depending upon the offense on which the reportable conviction is based, such a person must verify their registration information once within every 90-day period, or once per year, following the date of the first registration.

For each person required to register, the Department of Public Safety determines which local law enforcement authority serves as the person’s primary registration authority based on the municipality or county in

which the person resides or the municipality or county in which the person works or attends school.

If a person has a reportable conviction or adjudication, resides in another state, and works or attends school in this state, the person is subject to the registration and verification requirements based on the municipality or county in which the person works or attends school.

“Reportable conviction or adjudication” means a conviction or adjudication based on sexually based offenses, such as continuous sexual abuse of a child, or certain other offenses with a sexual overtone, such as aggravated kidnapping where the offender has an intent to sexually abuse the victim.

“Local law enforcement authority” is defined to mean the chief of police of a municipality or the sheriff of a county in this state.

DIGEST:

HB 3244 would amend Code of Criminal Procedure, ch. 62 to add art. 62.0045, which would allow the commissioners court in a county with a population of 100,000 or more to designate the office of the sheriff of the county or, through interlocal agreement, the office of a chief of police of a municipality in that county, to serve as a mandatory countywide registration location for persons subject to registration.

A person would be required to register or verify registration only with the centralized registration authority (CRA) for the county, regardless of whether the person resided in any municipality located in that county. If a person resided in a municipality whose local law enforcement authority was not the CRA, the CRA would be required to provide the municipality’s law enforcement authority notice of the person’s registration or verification of registration with the CRA.

If a person had a reportable conviction or adjudication, resided in another state, and worked or attended school in a county with a CRA, or resided in a county with a CRA, the CRA would serve as the person’s primary registration authority, regardless of whether the person resided, worked, or attended school in any municipality located in that county.

The definition of “local law enforcement authority” would be amended to include a central registration authority.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009, and would apply only to registrations required on or after this date.

**SUPPORTERS
SAY:**

By allowing larger counties to have a centralized registration authority, HB 3244 would allow a county to keep information on sex offenders in one location, rather than spread throughout smaller municipal agencies within the county. Currently, agencies do not always communicate effectively, making it difficult to keep track of all registered sex offenders. As the number of registered sex offenders grows, it may become more difficult for smaller agencies to track and assess the treatment of sex offenders.

HB 3244 would enhance public safety. Improving cooperation and communication between agencies would allow for better supervision and tracking of sex offenders and assist in preventing registrants from re-offending.

The bill's allowance for a centralized authority would simplify the registration process. Persons required to register would not have to find a new registration location each time they moved. In addition, a centralized authority could set up satellite registration locations to minimize travel for registrants, though the information would be maintained at one location.

A municipality's office of the chief of police would only be designated as a mandatory countywide registration location if that office agreed to be designated as such. This would avoid burdening offices that could not or would not want to take on that responsibility.

**OPPONENTS
SAY:**

Designating the office of the chief of police of a large municipality to be the centralized registration authority for a county would be a large burden on that office. This would be a great responsibility, requiring a significant contribution of manpower and financial resources that the office may not have or want to expend.

NOTES:

The companion bill, SB 2048 by Williams, passed the Senate by 31-0 on April 30 and was reported favorably, without amendment, by the House Criminal Jurisprudence Committee on May 8.