

- SUBJECT:** Notifying residents of sex offenders in group homes
- COMMITTEE:** Human Services — committee substitute recommended
- VOTE:** 8 ayes — Raymond, N. Gonzalez, Fallon, Klick, Rose, Sanford, Scott Turner, Zerwas
- 0 nays
- 1 absent — Naishtat
- WITNESSES:** For — John Monaco, Texas Municipal League and City of Mesquite; (*Registered but did not testify*: Ben Campbell, Texas Organization of Residential Care Homes)
- Against — Mary Sue Molnar, Texas Voices; Sid Rich, Texas Association of Residential Care Communities; Vida Davenport; Helen Eisert; Beverly Thomas; Peggy Tipon; (*Registered, but did not testify*: 17 individuals)
- On — Skylor Hearn, Texas Department of Public Safety
- BACKGROUND:** Code of Criminal Procedure, art. 62.005, requires the Department of Public Safety (DPS) to maintain a computerized central database of registered sex offenders and to make information about those registered available on the agency's website. Publicly available information includes:
- the person's full name and address, date of birth, sex, race, height, weight, eye color, hair color, and a recent color photograph;
 - the type of offense of which the person was convicted, the victim's age, the date of conviction, and the punishment received; and
 - whether the person was discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision.
- DIGEST:** CSHB 424 would require the director of a group home to use DPS' sex offender website to determine whether a person requesting or assigned to live in the group home was listed. If so, within three days the director would be required to provide notice that the person was a sex offender, including the information available on the website, to each of the home's residents and to the legal guardians of residents who had a legal guardian.

These requirements would apply in assisted living, boarding home, continuing care, supportive housing, and transitional housing facilities. They would not apply at group homes solely for registered sex offenders, provided residents received services from a sex offender treatment provider, nor to any group home resident admitted before the bill's effective date.

This bill would prevent the group home or its director from being liable for any damages arising from its requirements.

CSHB 424 would take effect September 1, 2013.

**SUPPORTERS
SAY:**

CSHB 424 would help ensure the safety of group home residents by requiring that they or their legal guardians be promptly informed that a registered sex offender had moved into the facility.

Many group home residents are vulnerable to abuse because of physical or mental limitations that prevent them from adequately ensuring their safety. These residents are much less likely to check the background information of others in the group home and to monitor newly admitted residents.

Group homes also put residents in close contact with one another, and even facilities with private, lockable rooms share common areas. Informing group home residents and guardians that a registered sex offender has moved in would allow residents and guardians to make better decisions for their safety. While many of the 72,000 people listed in the registry are not a risk to society, many have committed violent crimes. The notifications would include enough information about a registrant's offense to allow an adequate assessment of risk.

Knowing the sex-offender status of potential residents also would improve directors' control over their facilities and enable administrators and staff to better protect residents. The protection of innocent, vulnerable group home residents should take priority over imposing the requirement on registered sex offenders.

Code of Criminal Procedure, art. 62.052, already requires DPS to provide written notice to each address within a three-block subdivided area, or a one-mile nonsubdivided area, of the registered sex offenders designated as "risk-level three," those who pose the most serious danger to the

community. CSHB 424 would be a reasonable and prudent extension of the notifications already required.

OPPONENTS
SAY:

CSHB 424 would inhibit sex offenders' rehabilitation and would be an unnecessary and ineffective protection for group home residents.

The bill would further stigmatize former sex offenders during their move to a group home and decrease the likelihood of a successful reintegration into society. It also would place an extra requirement not imposed on those convicted of other serious crimes, such as murder, for which there is no such reporting requirement.

The sex-offender registry does not accurately represent the wide severity of reportable convictions and offender risk levels, yet CSHB 424 could cause group home directors and residents to react disproportionately to a resident simply because of that person's presence in the registry.

Many group home directors would cease admitting sex offenders, increasing the risk of relapse, homelessness, and early death among this population. Sex offenders also would be at greater risk of neglect and abuse from staff and fellow residents. States with similar laws are having to create long-term care facilities for elderly residents in the registry who cannot access existing nursing homes. This is expensive and counteracts the best practice of reintegrating past offenders into the community.

Current law already makes information about registered sex offenders publicly available. Despite a surge in sex offender registry laws since the 1990s, there is no data to suggest that they make people safer.

OTHER
OPPONENTS
SAY:

CSHB 424 would not sufficiently protect group home residents from sex offenders because group home directors would not be required to notify current residents or future applicants of registered sex offenders already living in the group home. CSHB 424 also lacks any enforcement mechanisms to ensure compliance with its provisions.

NOTES:

The committee substitute broadened the notification requirement to include legal guardians for those residents with legal guardians.