

SUBJECT: Removing public access to employer information in sex offender database

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Carter, Burnam, Canales, Hughes, Leach, Moody, Schaefer

1 nay — Herrero

1 absent — Toth

SENATE VOTE: On final passage, March 21 — 31-0, on Local and Uncontested Calendar

WITNESSES: (*On companion bill, HB 879*)

For — Clare Fleming, Ventana del Soul; Mary Sue Molnar, Texas Voices; Jon Cordeiro; Frank Ringer; (*Registered, but did not testify*: Travis Leete, Texas Criminal Justice Coalition; Allen Place, Texas Criminal Defense Lawyers Association; Kandice Sanaie, Texas Association of Business; Matt Simpson, American Civil Liberties Union of Texas; and 26 individuals)

Against — Joe Ellis, Freedom of Information Foundation of Texas and Texas Association of Broadcasters; (*Registered, but did not testify*: Kelly Riddle, Freedom of Information Foundation of Texas)

On — Jeanette Moll, Texas Public Policy Foundation; Allison Taylor Office of Violent Sex Offender Management; (*Registered, but did not testify*: Randy Ortega, 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 containing the information required from registered sex offenders. Information in the database is public information available through the DPS website, with certain exceptions, including information regarding the person's:

- Social Security number;
- driver's license number;
- home, work, and cell phone numbers;
- online identifier; and

- information that would identify the victim.

**DIGEST:** SB 369 would exclude the name, address, and telephone number of a sex offender's employer from the DPS public information database.

The bill would take effect September 1, 2013.

**SUPPORTERS SAY:** SB 369 would be a reasonable step that would continue to protect public safety while helping in the rehabilitation of registered sex offenders by removing a barrier for them in getting and keeping jobs.

Currently, the sex offender database available to the public lists the employers of registered sex offenders, which can make it difficult for offenders to get hired. The listing can have a chilling effect on employers, making them reluctant to hire a registered offender if their business could be associated with sex offenders. Employers often fear retaliation, harassment, exposure by the media, and loss of business. Registered offenders report losing jobs because of employers' concerns about having their names and addresses listed on the database.

SB 369 would address this problem by removing employer information from the public sex offender database. This change would return the database to the way it operated before a 2010 open records letter ruling by the attorney general determined that the employer information was public information.

Keeping employer information out of the public portion of the database would help with offenders' successful reentry into society. Offenders who have and maintain jobs are less likely to reoffend, resulting in lower recidivism and increased public safety. When employed, registered offenders can contribute to society by supporting themselves and their families and paying taxes, which reduces the demand on state resources to assist them.

SB 369 would not jeopardize public safety. All other public information in the database would remain public. A coworker still could look up a person by name on the sex offender database to see if the person was registered. Employers still could gain access to sex offender information through criminal background checks and the database. The idea that a member of the public currently can use the database to determine whether an employee of a company making a visit to someone's home is a sex

offender has limited application because the database cannot be searched by employer.

SB 369 would make no change to the information available to law enforcement officials. These authorities still would be able to access a sex offender's employer information through the secure portion of the DPS sex offender database.

The bill would put Texas in line with the operation of sex offender registries in other states. Currently, slightly more than 50 percent of states do not list employment information on their registries.

SB 269 is especially important given concerns about the database becoming overly broad and including too many offenders who are not threats to the community and should not be grouped with sexual predators.

**OPPONENTS  
SAY:**

The goal of the public sex offender database is to give all Texans a broad-based tool to protect themselves from dangerous predators. By scaling back access to potentially important information, SB 369 could work against that goal. For example, members of the public could use the employer information to make sure sex offenders were where they said they were during work hours or to check if a worker coming to their home was in the database. This public information should not be restricted.