

SUBJECT:	Creating offenses related to terrorism and a terrorist offender registry
COMMITTEE:	Criminal Jurisprudence — favorable, without amendment
VOTE:	7 ayes — Moody, Cook, Bhojani, Bowers, Darby, Leach, Schatzline  1 nay — C. Morales  1 present not voting — Harrison
SENATE VOTE:	On final passage (April 17) — 28 – 3
WITNESSES:	For — Robert Bodisch ( <i>Registered, but did not testify</i> : MerryLynn Gerstenschlager, Eagle Forum; Brian Hawthorne, Sheriffs’ Association of Texas)  Against — ( <i>Registered, but did not testify</i> : Quynh-Huong Nguyen, Steven Wu, Woori Juntos; Sarah Berel-Harrop)
BACKGROUND:	Some have suggested that establishing state laws directed at combatting terrorism could help law enforcement and prosecutors in pursuing investigations and imposing appropriate penalties against terrorist actors.
DIGEST:	SB 1518 would create the criminal offense of terrorism, which a person would commit if the person committed or conspired to commit any of the following offenses with the intent to intimidate or coerce the public or influence, by intimidation or coercion, the policy, conduct, or activities of Texas, a political subdivision of the state, or the United States: <ul style="list-style-type: none"><li>• criminal homicide;</li><li>• unlawful restraint, kidnapping, or trafficking of persons;</li><li>• aggravated assault or aggravated sexual assault;</li><li>• deadly conduct, if punishable as a felony;</li><li>• making a terroristic threat, if punishable as a felony;</li><li>• tampering with a consumer product;</li></ul>

- arson;
- interference with railroad property, if punishable as a felony;
- aggravated robbery;
- interference with radio frequency licensed to a government entity, if punishable as a felony; or
- certain conduct relating to hoax bombs.

The offense of terrorism would be one category higher than the most serious offense listed above that was committed or conspired to be committed except:

- the offense would be a class A misdemeanor with a minimum term of confinement of 180 days if the most serious offense was a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000); and
- the offense would be a first-degree felony with a minimum term of confinement of 15 years if the most serious offense was a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000).

The bill also would create the criminal offense of aiding in the commission of terrorism, which a person would commit if the person intentionally raised, solicited, collected, or provided material support or resources with the intent or knowledge that such support or resources would be used to solicit, direct, supervise, plan, prepare, promote, carry out, assist, or aid in committing an offense of terrorism. The penalty for aiding in the commission of terrorism would be of the same degree as the offense that the person aided.

SB 1518 would also create the criminal offense of hindering the prosecution of terrorism. A person would commit an offense if, with the intent to hinder the arrest, prosecution, conviction, or punishment of another for an offense of terrorism or aiding in the commission of terrorism, the person did any of the following:

- harbored or concealed the other;

- provided or aided in providing the other with any means of avoiding arrest or effective escape;
- warned the other of impending discovery or apprehension; or
- tampered with any physical evidence that might aid in the discovery or apprehension of the other.

The penalty for such an offense would be of the same degree as the offense for which the person hindered the prosecution.

**Terrorist offender registration program.** SB 1518 would establish a terrorist offender registration program. A person convicted or adjudicated for the following offenses would be required to register as a terrorist offender:

- a terroristic offense under the bill;
- certain federal laws relating to terrorism; or
- an offense against the Uniform Code of Military Justice, against a state or territory of the United States, or against a foreign county, where the offense contained elements that were substantially similar to the elements of the previously mentioned offenses.

The Department of Public Safety (DPS) would be responsible for determining whether an offense under the laws of another state or a foreign county, federal law, or the Uniform Code of Military Justice contained elements that were substantially similar to a terroristic offense described by the bill or certain federal laws relating to terrorism.

SB 1518 would require DPS to maintain a computerized central database containing the information required for registration. Such information would be confidential and not subject to disclosure, except to certain entities including licensing authorities, higher education institutions, peace officers, criminal justice officials, employees of a local law enforcement authority, or the attorney general, as applicable.

DPS would be required to establish a procedure by which a peace officer, criminal justice official, or employee of a law enforcement agency who

provided the department with a driver's license number, personal identification certificate number, or license plate number was automatically provided information as to whether the person was required to register under the bill or whether the license plate number was entered in the computerized central database. DPS also would be required to establish an alert flag on the criminal history record information of each person who was required to register that would be visible and accessible to applicable law enforcement officials while in the performance of their official duties.

**Registration and verification requirements.** The bill would establish registration and verification requirements, including how often a registrant would have to report to the registration authority to verify registration information.

A person who was required to register as a terrorist offender as a condition of parole, release to mandatory supervision, or community supervision or verify registration, as applicable, would be required to register with the local law enforcement authority in any municipality where the person resided or intended to reside for more than seven days. If a person did not intend to reside in a municipality, the person would be required to register or verify registration in any county where the person resided or intended to reside for more than seven days.

The bill would establish specific deadlines by which a person would have to register and the information that would have to be included on the registration form. SB 1518 would establish deadlines by which a law enforcement authority would have to send a copy of the registration form to DPS and if applicable, the authority for campus security at an institution of higher education.

SB 1518 also would establish registration, notification, and reporting procedures for individuals in specific circumstances, including a person who worked in or attended a higher education institution in another state or extrajurisdictional registrants.

*Prerelease notification.* The bill would require an official of a penal institution to inform a person required to register who was due for release of the registration requirements provided by the bill and to complete the registration form for the person. The bill would specify procedures relating to the release of registration information for such individuals to DPS and the applicable law enforcement authority.

*Change of address.* SB 1518 would establish procedures that a person, the person's supervising officer, and DPS would be required to follow if the person intended to move to another address within the state or outside of the state.

The bill also would specify that a registrant who resided at a location without an address would have to report to the applicable local law enforcement authority to confirm the person's location at least once every 30 days.

*Status report.* SB 1518 would require an officer supervising a registrant to notify the applicable local law enforcement authority if the registrant's status changed in any manner that affected the supervision of the person, including a change in the person's name, physical health, job, or educational status. The bill would specify notification and reporting requirements for the officer and registrant in such cases.

*Law enforcement verification of registration information.* SB 1518 would require certain registrants to report to an applicable local law enforcement authority and verify their information in the registration form on a quarterly or annual basis.

*Requirements relating to driver's license.* The bill would require a registrant to apply to DPS in person for the issuance of an original or renewal driver's license, personal identification certification, commercial driver's license, or commercial learner's permit within 30 days after release from a penal institution or by a court or after notification of the requirement. The registrant would be required to annually renew the driver's license or personal identification certificate in person until the

person's duty to register expired.

*DNA records.* The bill would require a registrant to comply with a request for a DNA specimen by a law enforcement agency.

*Prohibited location of residence.* SB 1518 would prohibit a registrant from residing on a campus of a higher education institution unless the institution approved the person to live on campus.

**Failure to comply with registration requirements.** Intentional failure to comply with any requirement provided by the bill would be a third-degree felony. Such an offense would be a second-degree felony if it was shown at a trial that the person had been previously convicted of a terroristic offense described by the bill and fraudulently used identifying information during the commission or attempted commission of the offense.

**Expiration of duty to register and removal of registration information.** SB 1518 would establish that a person's duty to register would end when the person died and would require DPS to remove all information about a registrant from the terrorist offender registry once DPS received notice that the person had died. DPS also would be required to remove all information about the registrant if the conviction or adjudication was set aside in court or the court issued a pardon. The bill would establish procedures for the removal of registration information from the registry.

**Other provisions.** DPS, the Texas Department of Criminal Justice, and the Texas Juvenile Justice Department would be authorized to adopt rules necessary to implement the bill's provisions.

The following persons would be immune from liability for good faith conduct under the bill:

- a criminal justice official;
- an employee or officer of DPS, the Texas Department of Criminal Justice, the Texas Juvenile Justice Department, the Board of

Pardons and Paroles, or a local law enforcement authority or law enforcement agency;

- an employee or officer of a community supervision and corrections department or a juvenile probation department; and
- a member of the judiciary.

The provisions relating to the terrorist offender registration program would apply only to a reportable conviction or adjudication that occurred on or after January 1, 2024.

The bill would take effect September 1, 2023.

NOTES:

According to estimates by the Legislative Budget Board, SB 1518 would have a negative impact of \$5,132,652 to general revenue related funds through fiscal 2024-25. There may be additional fiscal impacts related to criminal offenses involving terrorism that cannot be determined due to a lack of relevant data.