

## **BILL ANALYSIS**

Senate Research Center

S.B. 875  
By: Shapiro  
Criminal Justice  
4-8-97  
Committee Report (Amended)

### **DIGEST**

The 74th Legislature passed several laws regarding the registration and adjudication of sex offenders. Since that time, new ideas as well as enhancements became evident as the laws were practiced within the community. This bill will provide additional regulations regarding the applicability of the sex offender registration program to certain defendants, the procedures used to register and monitor sex offenders, and the imposition of criminal penalties.

### **PURPOSE**

As proposed, S.B. 875 provides additional regulations regarding the applicability of the sex offender registration program to certain defendants, the procedures used to register and monitor sex offenders, and the imposition of criminal penalties.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 6252-13.1, V.T.C.S., to redesignate it as Chapter 62, Code of Criminal Procedure, and amends it, as follows:

#### CHAPTER 62. New heading: SEX OFFENDER REGISTRATION PROGRAM

Art. 62.01. DEFINITIONS. Redefines "released" and "reportable conviction or adjudication." Makes conforming and nonsubstantive changes.

Art. 62.02. REGISTRATION. Requires the registration form to require an indication as to whether the person is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision. Deletes existing text regarding actions to be taken by a court on the day the court pronounces a sentence for a person who is subject to registration under this article. Requires a person who is required to register or verify registration under this chapter to ensure that the person's registration form is complete and accurate with respect to each item of information required by the form in accordance with Subsection (b). Deletes a reference to release on community supervision, parole, or mandatory supervision. Requires certain persons to report to the juvenile probation officer within a certain time. Makes conforming and nonsubstantive changes.

Art. 62.03. PRERELEASE NOTIFICATION. Requires the local law enforcement authority to immediately provide notice to the superintendent of the public school district and to the administrator of any private school located in the public school district when certain persons move into the school district. Makes conforming and nonsubstantive changes.

Art. 62.04. CHANGE OF ADDRESS. Requires a person, if the person required to register intends to change address, regardless of whether the person intends to move to another state, to report, within a certain time period, in person to certain authorities and individuals and provide the authority and individual with the person's anticipated move date and new address. Makes conforming and nonsubstantive changes.

Art. 62.05. STATUS REPORT BY SUPERVISING OFFICER. Requires the supervising officer, if one among certain officers supervising a person subject to registration under this chapter receives information to the effect that the person's status has changed in any manner that affects proper supervision of the person, including certain information, to promptly notify the appropriate local law enforcement authority or authorities of that change. Requires a person's supervising officer, if the person required to register intends to change address, to notify the local law enforcement authorities designated by Article 62.04(b).

Art. 62.06. LAW ENFORCEMENT VERIFICATION OF REGISTRATION INFORMATION. Sets forth procedures regarding verification by a local law enforcement authority of the information in the registration form maintained by the authority for that person.

Art. 62.07. REMEDIES RELATED TO PUBLIC NOTICE. Makes conforming changes.

Art. 62.08. CENTRAL DATABASE; PUBLIC INFORMATION. Provides that the information contained in the database is public information, with the exception of any information that is required by the Department of Public Safety (DPS) under Article 62.02(b)(5). Makes conforming changes.

Art. 62.09. IMMUNITY FOR RELEASE OF PUBLIC INFORMATION. Authorizes a private school or administrator of a private school to release to the public information regarding a person required to register if the information is public information under this chapter and is released to the administrator under Article 62.03 or 62.04. Provides that a private school or administrator of a private school is not liable under any law for damages arising from conduct authorized by this subsection. Makes conforming changes.

Art. 62.10. New heading: FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS. Provides that a person commits a state jail felony if the person is required to register and fails to comply with any requirement of this chapter.

Art. 62.11. New heading: APPLICABILITY. Provides that this chapter applies only to a reportable conviction or adjudication occurring on or after September 1, 1991, except that the provisions of Articles 62.03 and 62.04 of this chapter relating to the requirement of newspaper publication apply only to a reportable conviction or adjudication occurring on or after September 1, 1995. Deletes existing text regarding convictions on or after other dates and exemption from this article. Makes a conforming change.

Art. 62.12. EXPIRATION OF DUTY TO REGISTER. Makes conforming changes.

SECTION 2. Amends Section 1, Article 42.01, Code of Criminal Procedure, to make conforming changes.

SECTION 3. Amends Section 11(e), Article 42.12, Code of Criminal Procedure, to make a conforming change.

SECTION 4. Amends Section 19(g), Article 42.12, Code of Criminal Procedure, to make conforming changes.

SECTION 5. Amends Section 8(g), Article 42.18, Code of Criminal Procedure, to make a conforming change.

SECTION 6. Amends Section 8(r), Article 42.18, Code of Criminal Procedure, to make conforming changes.

SECTION 7. Amends Section 18(b), Article 42.18, Code of Criminal Procedure, to make a conforming change.

SECTION 8. Amends Article 60.051(f), Code of Criminal Procedure, to require DPS to maintain in the computerized criminal history system any information DPS maintains in the central database under Article 62.08, rather than information concerning whether an offender is required to register under Article 6256-13.1, V.T.C.S.

SECTION 9. Amends Section 1(4), Article 4512g-1, V.T.C.S., to make a conforming change.

SECTION 10.           Effective date: September 1, 1997.  
                  Makes application of Article 62.10, Code of Criminal Procedure, as redesignated and amended by this Act, prospective.

SECTION 11.           Makes application of Article 62.11, Code of Criminal Procedure, as redesignated and amended by this Act, prospective.

SECTION 12.           Requires DPS to take action necessary to ensure that the requirements of Article 60.051, Code of Criminal Procedure, as amended by this Act, and Article 62.02(b), Code of Criminal Procedure, as redesignated and amended by this Act, are satisfied not later than January 1, 1998.

SECTION 13.           Emergency clause.

#### **SUMMARY OF COMMITTEE CHANGES**

##### Amendment 1.

Article 62.01, Code of Criminal Procedure, by striking Paragraphs (A) and (B) of Subdivision (5) and substituting:

"(A) a conviction for a violation of Section 21.11 (Indecency with a child), 22.01 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a conviction for a violation of Section 43.25 (Sexual performance by a child) or 43.26 (Possession or promotion of child pornography), Penal Code;".

##### Amendment 2.

Strike proposed Article 62.11 and substitute a new Article 62.11, regarding newspaper publication of a reportable conviction or adjudication occurring on or after September 1, 1995.