

## **BILL ANALYSIS**

Senate Research Center

H.B. 2145  
By: McClendon (Whitmire)  
Criminal Justice  
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Engrossed

### **DIGEST**

Currently, information about the 15,000 registered sex offenders in Texas is available through the police and sheriff's department as well as on the Internet. This database is made possible through the mandatory sex offender registration law. The information available electronically includes the name, age, zip code, and shoe size of the sex offender and is updated at least twice a week. What is not currently available is the sex offender's photo, specific street address, telephone number, social security number, and driver's license number. H.B. 2145 would set forth requirements for persons subject to sex offender registration requirements and to the conditions for supervised release of those persons.

### **PURPOSE**

As proposed, H.B. 2145 sets forth requirements for person subject to sex offender registration requirements and the conditions for supervised release of those persons.

### **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 62.01(5), Code of Criminal Procedure, to redefine "reportable conviction or adjudication."

SECTION 2. Amends Articles 62.03(a), (d), (e), and (f), Code of Criminal Procedures, to requires an official under this chapter of the penal institution to take certain actions. Requires the Texas Youth Commission (commission), vendor, or probation department to conduct the prerelease notification and registration requirements specified in this article on the date the person is placed under the supervision of commission, vendor or probation department. Requires the superintendent of the school district to release the information contained in the notice to appropriate school district personnel, including peace officers and security personnel, principals, nurses, and counselors. Requires the law enforcement authority to include in the notice by publication in a newspaper certain information.

SECTION 3. Amends Articles 62.04(f) and (g), Code of Criminal Procedure, to make conforming changes.

SECTION 4. Amends Articles 62.06(a) and (b), Code, of Criminal Procedure, to require a person subject to registration under this chapter who has for a sexually violent offense been convicted two or more times, received an order of deferred adjudication two or more times, or been convicted and received an order of deferred adjudication, rather than for a sexually violent offenses, to report to certain authorities. Requires a person subject to registration under this chapter who is not subject to the 90-day reporting requirement described by this section to report to the local law enforcement authority with whom the person is required to register once each year not earlier than the 30th day before and not later than the 30th day after the anniversary of the person's date of birth, rather than on which the person first registered under this chapter, to verify the information in the registration form maintained by the authority for that person. Authorizes the authority to direct the person to report under this subsection once in each 90-period following the date the person first registered under this chapter, if the person is required to report not less than once in each 90-day period under Subsection (a) or once in each year not earlier than the 30th day before and not later than the 30th day after the anniversary of the person's date of birth, if the person is required to report once each year under Subsection (a).

SECTION 5. Amends Article 62.08(b), Code of Criminal Procedure, to delete text regarding the person's photograph and numeric street address.

SECTION 6. Amends Section 58.007(a), Family Code, to provide that this section does not apply to a record or file relating to a child that is subject to disclosure under Chapter 62, Code of Criminal Procedure, an added by Chapter 668, acts of the 75th Legislature, Regular Session, 1997.

SECTION 7. Amends Section 411.135(a), Government Code, to provide that any person is entitled to obtain from the Texas Department of Public Safety (department) certain information.

SECTION 8. Amends Section 11(a), Chapter 668, Acts of the 75th Legislature, 1997, to provide that the change in law made by this Act to Article 62.11, Code of Criminal Procedure, applies only to the a certain defendant on or after September 1, 1997 who is under the supervision and control of the commission.

SECTION 9. Amends Chapter 42, Code of Criminal Procedure, by adding Article 42.016, as follow:

Art. 42.016. SPECIAL DRIVER'S LICENSE OR IDENTIFICATION REQUIREMENTS FOR CERTAIN SEX OFFENDERS. Sets forth special driver's license or identification requirements for certain sex offenders.

SECTION 10. Amends Chapter 62, Code of Criminal Procedure, by adding Articles 62.065 and 62.085 as follows:

Art. 62.065. REQUIREMENTS RELATING TO DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE. Sets forth requirements relating to a driver's license or personal identification certificate.

Art. 62.085. INFORMATION PROVIDED TO PEACE OFFICER. Requires the department to establish a procedure by which a peace officer or employee of a law enforcement agency who provides the department with a driver's license, personal identification certificate, or license plate number is automatically provided information as to whether the person to whom the driver's license or personal identification certificate is issued is required to register under this chapter or whether the license plate number is entered in the computerized central database under Article 62.08 as assigned to a vehicle owned or driven by person required to register under this chapter.

SECTION 11. Amends Chapter 521C, Transportation Code, by adding Section 521.057, as follows:

Sec. 521.057. INFORMATION REGARDING CERTAIN SEX OFFENDERS. Requires the department to ensure that any driver's license record or personal identification certificate record maintained by the department for the person includes an indication that the person is subject to the registration requirements of Chapter 62, Code of Criminal Procedure, on receipt of a court order issued under Article 42.016, Code of Criminal Procedure. Requires the department to include the indication required by Subsection (a) in any driver's license record or personal identification certificate record maintained by the department for the person until the expiration of the person's duty to register under Chapter 62, Code of Criminal Procedure.

SECTION 12. Amends Section 521.101, Transportation Code, by adding Subsections (h) and (i), to require the department to automatically revoke each personal identification certificate issued by the department to a certain person. Authorizes the department to issue a personal identification certificate to a person whose certificate is revoked under Subsection (h) only if the person applies for an original or renewal certificate under Section 521.103.

SECTION 13. Amends Section 521E, Transportation Code, by adding Section 521.103, as follows:

Sec. 521.103. EXPIRATION AND RENEWAL REQUIREMENT FOR CERTAIN SEX OFFENDERS. Sets forth certain expiration and renewal requirements for certain sex offenders.

SECTION 14. Amends Chapter 521M, Transportation Code, by adding Section 521.272, as follows:

Sec. 521.272. RENEWAL OF LICENSE ISSUED TO CERTAIN SEX OFFENDERS. Sets

forth requirements for the renewal of a driver's license issued to certain sex offenders.

SECTION 15. Amends Section 521.274(b), Transportation Code, to prohibit a rule under this subsection from permitting renewal by mail of a driver's license if the license holder's driver's license record or personal identification certificate record indicates that the holder is subject to the registration requirements of Chapter 62, Code of Criminal Procedure.

SECTION 16. Amends Section 521O, Transportation Code, by adding Section 521.348, as follows:

Sec. 521.348. AUTOMATIC REVOCATION FOR CERTAIN SEX OFFENDERS. Provides that a driver's license is automatically revoked if the holder of the license takes certain action. Authorizes the department to issue a driver's license to a person whose license is revoked under this section if the person takes certain actions.

SECTION 17. Repealer: Article 62.12(c), Code of Criminal Procedure (regarding a person registered under this chapter registering in a county where the person resides).

SECTION 18. Provides that the change in law made by this Act to 62.01(5) and 62.03(d), Code of Criminal Procedures, applies to juvenile offenders adjusted as having engaged in delinquent conduct before, on or after the effective date of this Act, regardless of when the conduct occurred.

SECTION 19. Provides that the change in law made by this Act to Articles 62.06(a) and (b), Code of Criminal Procedure, relating to persons required to the report to local law enforcement not less than once in each 90-day period, applies only to a defendant who takes certain action on or after the effective date of this Act.

SECTION 20. Requires certain law enforcement authorities to inform the person that the next occasion and each succeeding occasion on which the person verifies registration, the person must comply with Articles 62.06(a) and (b), Code of Criminal Procedure, to accomplish the change in law made by this Act to Articles 62.06 (a) and (b), Code of Criminal Procedure. Provides that the change in law to which this section applies does not affect the validity of any action taken by a person to verify registration before the person is provided an opportunity to verify registration before the person is provided an opportunity to be informed of the change in law made by this Act as required by this section.

SECTION 21. Provides that the change in law made by this Act to Section 58.007, Family Code, applies only to records and files created or maintained under Chapter 62, Code of Criminal Procedure, on or after September 1, 1995

SECTION 22. Provides that SECTIONS 9-16, adding Articles 42.016, 62.065, and 62.085, Code of Criminal Procedure, and Sections 521.057, 521.101(h) and (i), 521.103, 521.272, Government Code, and amending Section 521.274(b), Transportation Code, and that part of SECTION 2 amending Section 62.03(a), Code of Criminal Procedure, takes effect September 1, 2000. Provides that the change in law made by this Act relating to requiring the department to include in the driver's license record or personal identification certificate record of certain persons an indication that the person is subject to the sex offender registration requirements of Chapter 62, Code of Criminal Procedure, applies to a person who, with respect to an offense listed in Article 62.01(5), Code of Criminal Procedure on or after September 1, 2000, is confined on under certain supervision. Provides that a person who, on September 1, 2000, is not described by Subsection (b)(1) or (2) of this section is covered by the law in effect before September 1, 2000, and the former law is continued in effect for that purpose.

SECTION 23. Requires the department to implement the system described by Section 411.135, Government Code, as amended by this Act, not later than January 1, 2000.

SECTION 24. Provides that except as provided by Section 22 of this Act, this Act takes effect September 1, 1999.

SECTION 25. Emergency clause.