

BILL ANALYSIS

Senate Research Center
76R4747 PEP-D

S.B. 1650
By: Jackson
Criminal Justice
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As Filed

DIGEST

Currently, Texas law requires persons subject to sex offender registration to register with certain authorities upon release from a penal institution. S.B. 1650 would establish provisions regarding the public notice requirements applicable to persons who are subject to sex offender registration.

PURPOSE

As proposed, S.B. 1650 establishes provisions regarding the public notice requirements applicable to persons who are subject to sex offender registration.

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 Articles 62.03(a), (b), (c), (e), and (f), Code of Criminal Procedure, to require the risk assessment review committee, before a person subject to registration is due to be released, to determine the person's level of risk to a community using the sex offender screening tool, assign the person to a numeric risk level, and immediately send a written notice to the institution from which the person is being released. Sets forth requirements for the institution upon receiving notice regarding a person's sex offender status. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Chapter 62, Code of Criminal Procedure, by adding Article 62.035, as follows:

Art. 62.035. RISK ASSESSMENT REVIEW COMMITTEE; SEX OFFENDER SCREENING TOOL. Sets forth requirements by which the Texas Department of Criminal Justice (TDCJ) establishes a risk assessment review committee (committee) to be composed of at least five members having experience in various professional fields. Requires the committee to develop a screening tool to be used in determining the risk level of a person subject to registration under this chapter. Provides that the screening tool must use an objective point system under which to assign points to various factors regarding the offender, the victim, and other relevant information. Sets forth general guidelines the committee shall use in developing the sex offender screening tool consisting of three levels.

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

SECTION 4. Amends Chapter 62, Code of Criminal Procedure, by adding Article 62.045, as follows:

Art. 62.045. ADDITIONAL PUBLIC NOTICE FOR CERTAIN OFFENDERS. Provides that on the receipt of notice that a person subject to registration is due to be released from a penal institution or intends to move to a new residence in this state, the TDCJ requires verification of the person's assigned risk level. Requires a notice of release by TDCJ within a certain amount of time to notify by mail or delivery everyone within a certain radius of the place where the person intends to reside. Requires TDCJ to include in the notice only public information. Requires TDCJ to develop procedures for the person about whom the notice is written to pay all costs incurred due to distribution of the notice. Requires the person about whom the notice is written to pay the costs in accordance with TDCJ's procedures.

SECTION 5. Amends Section 19(g), Article 42.12, Code of Criminal Procedure, to make conforming changes.

SECTION 6. Amends Section 508.186(a), Government Code, to make conforming changes.

SECTION 7. Provides that this Act, to the extent of any conflict, prevails over another Act of the 76th Legislature, Regular Session, 1999, relating to nonsubstantive additions and corrections in enacted codes.

SECTION 8. Requires the Texas Department of Public Safety to establish the risk assessment review committee not later than October 1, 1999. Requires the sex offender review committee to develop the sex offender screening tool not later than December 1, 1999, and to have the tool available for use in cases not later than December 15, 1999. Requires the sex offender screening tool numeric risk levels to be assigned to necessary offenders on or after January 1, 2000.

SECTION 9. Requires TDCJ to establish the procedures required by Article 62.045, Code of Criminal Procedure, not later than January 1, 2000. Makes application of this Act prospective to January 1, 2000.

SECTION 10. Emergency clause.

Effective date: upon passage.