

BILL ANALYSIS

Senate Research Center
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S.B. 399
By: Shapiro
Criminal Justice
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DIGEST

Currently, certain sex offenders in Texas are not required to register with any local law enforcement authority after the offender's conviction. Federal law under the Jacob Wetterling Crimes Against Children and the Sexually Violent Offender Registration Act of 1994, compels a state to meet certain requirements regarding registration and dissemination of public information about sex offenders. Texas has not complied with federal law and, thus, has been ineligible for approximately \$3.2 million in federal funds for drug investigation and interdiction. Continued noncompliance will also eventually place Texas' sex offender registration under the jurisdiction of the FBI.

By adding kidnapping of a minor to the list of reportable offenses, requiring registration by certain federal convicts, and requiring registration by out-of-state sex offenders working or studying in the state, S.B. 399 would bring Texas law in compliance with federal law and would require a sex offender to register with a local law enforcement authority.

PURPOSE

As proposed, S.B. 399 requires certain sex offenders to register with a local law enforcement authority.

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 42.01, Code of Criminal Procedure, by adding Section 7, as follows:

Sec. 7. Provides that the judgment, regarding Section 1, should reflect affirmative findings entered pursuant to Article 42.015.

SECTION 2. Amends Chapter 42, Code of Criminal Procedure, by adding Article 42.015, as follows:

Art. 42.015. FINDING OF AGE OF VICTIM. Requires a judge to make an affirmative finding of fact and enter the affirmative finding in the judgment of a case, regarding certain offenses under Sections 20.02-20.04, Penal Code, if the victim or intended victim was younger than 17 years of age at the time of the offense.

SECTION 3. Amends Section 5, Article 42.12, Code of Criminal Procedure, by adding Subsection (e), to require a judge who places on community supervision under this section a defendant charged with certain offenses under Sections 20.02-20.04, Penal Code, to make an affirmative finding of fact and file a statement of that finding with the papers in the case, if the victim or intended victim was younger than 17 years of age.

SECTION 4. Amends Article 62.01, Code of Criminal Procedure, by amending Subdivisions (5) and (6) and by adding Subdivision (7), to define "residence" and to redefine "reportable conviction or adjudication" and "sexually violent offense." Makes conforming changes.

SECTION 5. Amends Article 62.02, Code of Criminal Procedure, by adding Subsection (g), to require sex offenders to register with an established law enforcement authority in another state, by a certain date.

SECTION 6. Amends Article 62.03(d), Code of Criminal Procedure, to make conforming changes.

SECTION 7. Amends Article 62.03, Code of Criminal Procedure, by adding Subsection (h), to require a penal institution official to inform an inmate prior to the inmate's release from that institution of the requirement for the inmate to register with a local law enforcement authority under certain circumstances within a certain amount of time.

SECTION 8. Amends Chapter 62, Code of Criminal Procedure, by adding Articles 62.011 and 62.061, as follows:

Art. 62.011. WORKERS OR STUDENTS. Sets forth conditions under which a person is employed, carries on a vocation, or is a student for purposes of this chapter.

Art. 62.061. REGISTRATION OF CERTAIN WORKERS OR STUDENTS. Provides that a person is subject to this article and to the other articles of this chapter if the person has a reportable conviction or adjudication; resides in another state; and is employed, carries on a vocation, or is a student in this state. Provides that a person described in Subsection (a) is subject to the registration and verification requirements of Articles 62.02 and 62.06, the address requirement of Article 62.04, the school notification requirements of Articles 62.03 and 62.04, but is not subject to Article 62.12 and the newspaper publication requirements of Articles 62.03 and 62.04. Provides that the duty to register ends when the person no longer works or studies in this state, provides notice of that fact to the local law authority, and receives verification of that notice from the authority. Requires the authority to verify that the person no longer works or studies in this state and to provide notice of that verification to the offender within a reasonable time. Sets forth persons to whom this article does not apply.

SECTION 9. Amends Section 54.04, Family Code, by adding Subsection (q), to require a judge who orders a disposition under this section to enter the finding in the order, if there was an affirmative finding that the victim was younger than 17 years of age at the time of the conduct.

SECTION 10. Makes application of this Act prospective.

SECTION 11. Effective date: September 1, 1999.

SECTION 12. Emergency clause.