

## **BILL ANALYSIS**

Senate Research Center  
76R3237 KEL-D

S.B. 400  
By: Shapiro  
Criminal Justice  
3/8/1999  
Committee Report (Amended)

### **DIGEST**

Currently, sex offender registration law states that an out-of-state conviction is reportable for the purposes of sex offender registration but gives no mention of out-of-state adjudications. The 75th Legislature made sex offender registration retroactive to September 1, 1970 with juveniles under the supervision of the Texas Youth Commission excluded. This bill would require the registration of juvenile sex offenders transferred to Texas from out-of-state, permit the disclosure of juvenile sex offender records for registration purposes, and extend sex offender registration laws to current Texas Youth Commission parolees who were adjudicated after September 1, 1970.

### **PURPOSE**

As proposed, S.B. 400 provides requirements for the registration of certain juvenile offenders under the sex offender registration program.

### **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, as added by Chapter 668, Acts of the 75th Legislature, Regular Session, 1997, to provide that a "reportable conviction or adjudication" qualifies as a conviction or adjudication, regardless of the pendency of an appeal from an adjudication or a second adjudication of delinquent conduct, under laws of another state or federal law, that are similar to offenses listed or similar to indecent exposure. Makes conforming changes.

SECTION 2. Amends Article 62.03(d), Code of Criminal Procedure, as added by Chapter 668, Acts of the 75th Legislature, Regular Session, 1997, to require the Texas Youth Commission, a vendor, a probation department, or a juvenile secure pre- or post-adjudication facility to conduct prerelease notification and registration requirements, if a person with an adjudication of delinquent conduct is placed under supervision. Makes conforming and nonsubstantive changes.

SECTION 3. Amends Section 58.007(a), Family Code, to exempt records or files subject to disclosure under Chapter 62, Code of Criminal Procedure. Makes conforming and nonsubstantive changes.

SECTION 4. Amends Section 11(a), Chapter 668, Acts of 75th Legislature, to make changes in this Act applicable to offenses listed in Subdivision (5), effective September 1, 1997. Provides that the Texas Youth Commission fulfills the supervision requirement for the application of Subdivision (5).

SECTION 5. (a) Makes application of SECTIONS 1 and 2 of this Act retroactive.

(b) Provides that SECTION 3 of this Act applies to files created or maintained under Chapter 62, Code of Criminal Procedure, on or after September 1, 1995.

SECTION 6. Amends Article 62.01, Code of Criminal Procedure, as added by Chapter 572, Acts of the 72nd Legislature, Regular Session, 1991, to define a "penal institution."

SECTION 7. Emergency clause.  
Effective date: upon passage.

## **SUMMARY OF COMMITTEE CHANGES**

### **SECTION 2.**

Amends Article 62.03(d), Code of Criminal Procedure, as added by Chapter 668, Acts of the 75th Legislature, Regular Session, 1997, to require a juvenile secure pre- or post-adjudication facility to conduct prerelease notification and registration requirements.

### **SECTION 6.**

Amends Article 62.01, Code of Criminal Procedure, as added by Chapter 572, Acts of the 72nd Legislature, Regular Session, 1991, to define a “penal institution.” Redesignates existing SECTION 6 as SECTION 7.