

BILL ANALYSIS

Senate Research Center

S.B. 1648
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Criminal Justice
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DIGEST AND PURPOSE

Currently, Texas statutes require individuals possessing a reportable conviction or adjudication under Texas law or the law of another state, if the other state maintains a reciprocity agreement with Texas, to register as sex offenders. A gap in the registration requirement, however, exists for individuals convicted under a federal law or the Uniform Code of Military Justice. There is also some confusion regarding the application of the provisions pertaining to the determination of the number of sexual offense convictions an individual has received. As proposed, S.B. 1648 requires an individual convicted under federal law or the Uniform Code of Military Justice to register as a sex offender only if the law the individual was convicted under contains substantially similar elements to the Texas statutes requiring registration and clarifies the application of provisions pertaining to the determination of the number of sexual offense convictions an individual has received.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 62, Code of Criminal Procedure, by adding Article 62.0101, as follows:

Art. 62.0101. DETERMINATION REGARDING SUBSTANTIALLY SIMILAR ELEMENTS OF OFFENSE. Provides that the Department of Public Safety (department) is responsible for determining for the purpose of this chapter whether an offense under the laws of another state, federal law, or the Uniform Code of Military Justice contains elements that are substantially similar to the elements of an offense under the laws of this state.

SECTION 2. Amends Articles 62.021(a) and (c), Code of Criminal Procedure, to provide that this article applies to certain specific persons. Provides that the expiration of the duty to register for a person described by Subsection (a) expires on the date the person's duty to register would expire under the laws of, rather than in, the other state had the person remained in that state, under federal law, or under the Uniform Code of Military Justice, as applicable.

SECTION 3. Amends Article 62.06, Code of Criminal Procedure, by adding Subsection (e), to provide that for purposes of this article, a person received multiple convictions or orders of deferred adjudication regardless of whether the judgments or orders were entered on different dates, or the offenses for which the person was convicted or placed on deferred adjudication arose out of different criminal transactions.

SECTION 4. Provides that this Act applies to a person required to register as a sex offender under Chapter 62, Code of Criminal Procedure, under the laws of another state, under federal law, or under the Uniform Code of Military Justice before, on, or after the effective date of this Act.

SECTION 5. Effective date: Upon passage or September 1, 2001.