

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1648
By: Bernsen
Criminal Justice
3/30/2001
Committee Report (Substituted)

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. C.S.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.

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. Requires an appeal of a determination made under this article to be brought in a district court in Travis County.

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 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. Provides that the change in law made by this Act in adding Article 62.0101, Code of Criminal Procedure, and in amending Article 62.021, Code of Criminal Procedure, 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 4. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from the original by amending the relating clause.

SECTION 1. Differs from the original by adding provisions regarding the proper venue for an appeal of a determination made under this article.

SECTION 2. Differs from the original by making a nonsubstantive change.

Deletes previously proposed SECTION 3, which amended Article 62.02, Code of Criminal Procedure, and redesignates SECTIONS 4 and 5 as SECTIONS 3 and 4 with the following changes:

SECTION 3. Differs from the original by amending previously proposed provisions regarding the application of this Act.

SECTION 4. Differs from the original by amending previously proposed provisions regarding the effective date of this Act.