

BILL ANALYSIS

Senate Research Center
78R1172 KEL-D

S.B. 146
By: Estes/Shapiro
Criminal Justice
2/28/2003
As Filed

DIGEST AND PURPOSE

Under current Texas law, an individual convicted as a sex offender is not required to report a “name change” to the supervising law enforcement agency. According to the Sherman Police Department Family Services Division, the failure to report a sex offender’s “name change” can create a possible loophole, because that individual could become unsupervised. As proposed, S.B. 146 requires notification and other safeguards regarding a sex offender who seeks to change his or her name.

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 Article 62.05, Code of Criminal Procedure, as follows:

Art. 62.05. STATUS REPORT BY SUPERVISING OFFICER. Provides that, regarding a name change for a registered sex offender, the notice of the proposed name change sent to the requisite local law enforcement authority is sufficient for the reporting requirements of Article 62.05(b). Requires the registered sex offender to promptly notify the requisite local law enforcement authority of any denial of the person’s petition for a change of name. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 45.002(a), Family Code, to require a petition to change the name of a child to indicate whether the child is subject to the registration requirements of Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure.

SECTION 3. Amends Section 45.004, Family Code, by amending Subsection (a) and adding Subsection (c), as follows:

Sec. 45.004. ORDER. (a) Authorizes the court to order the name of a child who is subject to Chapter 62, Code of Criminal Procedure, changed if certain factors are met.

(c) Provides that in this section, “local law enforcement authority” has the meaning assigned by Article 62.01, Code of Criminal Procedure.

SECTION 4. Amends Section 45.102(a), Family Code, to require a petition to change the name of an adult to indicate whether the adult is subject to the registration requirements of Chapter 62, Code of Criminal Procedure.

SECTION 5. Amends Section 45.103, Family Code, by amending Subsection (a) and adding Subsection (c), as follows:

Sec. 45.103. ORDER. (a) Requires the court to order a change of name under this

subchapter for a person, other than a person with a final felony conviction or a person subject to the registration requirements of Chapter 62, Code of Criminal Procedure, if the change is in the interest or to the benefit of the petitioner and in the interest of the public.

(c) Authorizes a court to order a change of name under this subchapter for a person, subject to the registration requirement of Chapter 62, Code of Criminal Procedure, if, in addition to the requirements of Subsection (a), the person provides the court with proof that the person has notified the appropriate local law enforcement authority of the proposed name change. Makes conforming changes.

SECTION 6. (a) Provides that the change in law made to Article 62.05, Code of Criminal Procedure, applies to a person required to register as a sex offender regardless of the date of the offense or conduct.

(b) Makes application of this Act prospective in regard to Sections 45.002, 45.004, 45.102, and 45.103, Family Code.

SECTION 7. Effective date: September 1, 2003.