

BILL ANALYSIS

Senate Research Center
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S.B. 166
By: Shapiro
Subcommittee on Higher Education
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As Filed

DIGEST AND PURPOSE

Currently, it is unclear whether all relevant Texas laws comply with federal guidelines regarding sexual offenders. Texas laws must comply with federal guidelines for the state to receive continued federal funding under the Jacob Wetterling Crimes Against Children and Sexual Violent Offender Registration Act. As proposed, S.B. 166 adds definitions of “public or private institution of higher education” and “authority for campus security” to the Code of Criminal Procedure and requires the sex offender registration form to include whether the offender will be employed by or attending an institution of higher learning, and, if so, the institution’s name and address. This bill sets a timeline in which a person required to register as a sex offender is required to register with the local campus authority, and includes provisions to ensure monitoring of a sex offender employed by or attending an institute of higher education.

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 62.01, Code of Criminal Procedure, by adding Subdivisions (8) and (9) to define “public or private institution of higher education” and “authority for campus security.”

SECTION 2. Amends Article 62.011(b), Code of Criminal Procedure, to make a conforming change.

SECTION 3. Amends Articles 62.02 (b) and (g), Code of Criminal Procedure, as follows: (b) Adds the authority for campus security to the list of agencies to be provided with forms to register people required to register under this chapter. Requires the form to include whether the person will be working at or attending an institution of higher education, in- or out-of-state, and the name and address thereof. Redesignates subsection (6) to (7).

(g) Requires the person to register with the authority for campus security within 10 days of starting work or school if the other state requires registration for sex offenders, as well as registering with the law enforcement authority designated by that state to register such offenders.

SECTION 4. Amends Articles 62.03 (a) and (h), Code of Criminal Procedure, as follows

(a) Makes a conforming change.

(h) Specifies where a person intending to be employed by or attend a public or private institution of higher education is required to register. Makes nonsubstantive changes and a conforming change.

SECTION 5. Amends Article 62.05, Code of Criminal Procedure, as follows:

New Heading: Art. 62.05 STATUS REPORT BY SUPERVISING OFFICER OR LOCAL LAW ENFORCEMENT AGENCY. (a) Requires the official monitoring a person to report to the appropriate agencies any change in educational status, as well as existing monitoring requirements. Requires the supervising officer, rather than the person's supervising officer, to notify the appropriate agencies if the person moves. Makes a conforming change.

(b) Specifies what constitutes a change in a person's educational status. Makes conforming and nonsubstantive changes.

SECTION 6. Amends Chapter 62, Code of Criminal Procedure, by adding Article 62.063 as follows:

Art. 62.063. REGISTRATION OF WORKERS OR STUDENTS AT INSTITUTIONS OF HIGHER EDUCATION. (a) Requires a person required to register under Article 62.061 to report to the relevant authority within seven days of the date the person begins to work or attend school at an institution of higher education

(b) Requires the authority for campus security or local law enforcement to forward information to the administrative office of the affected institution of higher education.

(c) Requires a person to inform the appropriate authority within seven days of terminating status as a worker or student at the institution.

(d) Exempts a person from the registration requirement at a local law enforcement authority if it constitutes a duplicate requirement.

(e) Exempts an authority for campus security from public notification and notification of private or public primary or secondary schools requirements. Also exempts a local law enforcement authority from the requirement in the absence of other notification requirements.

(f) Establishes that, notwithstanding Article 62.062, the requirements of this article supersedes those of Article 62.062 for those persons subject both to Article 62.062 and this article.

SECTION 7. Amends Article 62.08, Code of Criminal Procedure, by amending Subsection (b) and adding Subsections (h) and (i), as follows:

(b) Makes a conforming change.

(h) Requires the Department of Public Safety (DPS) to inform a public or private institution of higher education, in- or out-of-state, of any person required to register under this chapter who is or will be employed by that institution. Requires DPS to send such a notice to selected law enforcement organizations within a specific time frame.

(i) Requires DPS to provide, upon written request, any information described in Subsection (a) to the institution of higher education with which the person has applied to work or study.

SECTION 8. Amends Articles 62.09 (a) and (d), Code of Criminal Procedure, to authorize an authority for campus security, as well as other law enforcement entities, and a public or private institution of higher education, along with other educational entities, to release information to the public about a person required to register under this chapter, providing that information is public. Makes a nonsubstantive change. Exempts a public or private institution of higher education, along with other

educational entities, from liability for damages resulting from conduct authorized by this subsection.

SECTION 9. Requires DPS to establish required procedures to implement this Act by October 1, 2003.

Makes application of this Act retroactive.

SECTION 10. Effective date: September 1, 2003.