

## **BILL ANALYSIS**

Senate Research Center  
78R9595 KEL-D

C.S.S.B. 166  
By: Shapiro  
Subcommittee on Higher Education  
4/25/2003  
Committee Report (Substituted)

### **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. C.S.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 time line 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 institution of higher education, and provisions regarding reports of status changes.

### **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 specify that a person is a student for the purposes of this chapter if the person enrolls on a full-time or part-time basis in any educational facility, and makes 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) Includes in the list of directions an official of the penal institution before releasing a person subject to registration under this chapter the requirement that the person notify appropriate entities of any change in status as described by Article 62.05. 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 and the entity to

notify when the person stops working or attending school. Makes nonsubstantive changes and a conforming change.

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

Art. 62.05. New Heading: 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 and higher 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. Requires the supervising officer, not later than the seventh day after the date the supervising officer receives the relevant information, to notify the local law enforcement authority of any certain change in the person's job or educational status. 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 62.064 as follows:

Art. 62.064. 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 a person described by Subsection (a) to provide the authority for campus security or local law enforcement authority with all information the person is required to provide under Article 62.02(b).

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

(d) Requires the authority for campus security or local law enforcement authority to promptly forward to the administrative office of the institution any information received from the person under this article and any information received from the Department of Public Safety under Article 62.08.

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

(f) 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.

(g) 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.

(h) Requires a person described by Subsection (a) who is employed, carrying on a vocation, or is a student at a public or private institution of higher education in this state on September 1, 2003, regardless of the date on which the person began to work or attend school, to report that fact no later than October 1, 2003, to the appropriate authority. Provides that this subsection expires September 1, 2004.

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), within a certain time frame of applicable information becoming available through certain avenues, to inform certain entities, of any person required to register under this chapter who is or will be employed, carrying on a vocation, or a student at a public or private institution of higher education in this state.

(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, only if 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. Amends Article 62.13, Code of Criminal Procedure, by amending Subsections (k), (o), (q), and (r) and adding Subsection (q-1), as follows:

(k) and (o) Make conforming changes.

(q) Requires a copy of the court's order, if the court grants the motion, to be sent to certain entities.

(q-1) Creates this subsection from existing text. Requires the order under Subsection (q) to require the recipient to conform its records to the court's orders either by deleting the sex offender registration information or changing its status to nonpublic. Prohibits a public or private institution of higher education from being required to delete the sex offender registration information under this subsection.

(r) Makes a conforming change.

SECTION 10. (a) Requires DPS to establish required procedures to implement this Act by October 1, 2003.

(b) Makes application of this Act retroactive.

SECTION 11. Effective date: September 1, 2003.