

BILL ANALYSIS

Senate Research Center
78R13416 KEL-D

C.S.S.B. 871
By: Shapiro
Criminal Justice
4/28/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

C.S.S.B. 871 adds clarifying language stating that the Texas Department of Public Safety (DPS) shall determine which local law enforcement agency serves as the primary registration authority for a person required to register as a sex offender and directs DPS to notify the sex offender of who is his or her primary local law enforcement registration authority.

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 62.0102, as follows:

Art. 62.0102. DETERMINATION REGARDING PRIMARY REGISTRATION AUTHORITY. (a) Requires the Department of Public Safety (DPS) to determine, for each person subject to registration under this chapter, which local law enforcement authority serves as the person's primary registration authority based on the municipality or county in which the person resides or, as provided by Article 62.061, as added by Chapters 1193 and 1415, Acts of the 76th Legislature, Regular Session, 1999, the municipality or county in which the person works or attends school.

(b) Requires the DPS to ensure that each person subject to registration under this chapter is notified of the person's primary registration authority in a timely manner.

SECTION 2. Amends Article 62.011(a), Code of Criminal Procedure, to provide that a person is employed or carries on a vocation for purposes of this chapter if the person works or volunteers on a full-time or part-time basis for a consecutive period exceeding 14 days or for an aggregate period exceeding 30 days in a calendar year. Provides that a person works for purposes of this subsection regardless of whether the person works for compensation or for governmental or educational benefit. Makes a nonsubstantive change.

SECTION 3. Amends Article 62.03(a), Code of Criminal Procedure, to make conforming changes.

SECTION 4. Amends Articles 62.04(a), (b), and (e), Code of Criminal Procedure,

(a) Makes a conforming change.

(b) Makes a conforming change.

(e) Requires a person, if a person who reports to a local law enforcement authority under Subsection (a) does not move on or before the anticipated move date or does not move to the new address provided to the authority, not later than the seventh day after the anticipated move date, to report to the local law enforcement authority designated as the person's primary registration authority by DPS, rather than with whom the person last

registered not later than the seventh day after the anticipated move date, and provide an explanation to the authority regarding any changes in the anticipated move date and intended residence.

SECTION 5. Amends Article 62.05(b), Code of Criminal Procedure, to make conforming changes.

SECTION 6. Amends Articles 62.06(a), (b), and (d), Code of Criminal Procedures, to make conforming changes.

SECTION 7. Amends Article 62.061(a), Code of Criminal Procedure, as added by Chapter 444, Acts of the 76th Legislature, Regular Session, 1999, to make a conforming change.

SECTION 8. Provides that Article 62.12(a), Code of Criminal Procedure, as amended by Chapters 211 and 1297, Acts of the 77th Legislature, Regular Session, 2001, is amended to delete text referencing Chapter 1193, Acts of the 76th Legislature, Regular Session, 1999, and reenacted.

SECTION 9. Provides that the change in law made by this Act applies to a person subject to registration under Chapter 62, Code of Criminal Procedure, for an offense or conduct that was committed before, on, or after the effective date of this Act.

SECTION 10. Effective date: September 1, 2003.