

- SUBJECT:** Sex offenders must notify law enforcement of change in health or job
- COMMITTEE:** Public Safety — favorable, without amendment
- VOTE:** 9 ayes — B. Turner, Keel, Berman, Driver, Gutierrez, Hupp, Isett, P. King, Villarreal
- 0 nays
- WITNESSES:** For — Rick Pippins, Odessa Police Department
- Against — None
- BACKGROUND:** Code of Criminal Procedure, art. 62.05 requires probation or parole personnel supervising registered sex offenders to inform local law enforcement promptly if an offender they supervise is hospitalized, changes employment, leaves his or her job, or transfers to another location with his or her present employer. If the sex offender is not under supervision, the offender must notify law enforcement within seven days of any of these occurrences. The penalty for failing to comply with registration requirements under the Code of Criminal Procedure, art. 62, ranges from a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) to a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000), depending on the nature of the sex offense and whether the offender has previously violated the registration requirements.
- DIGEST:** HB 121 would amend Code of Criminal Procedure, art. 62.05(b) to require all registered sex offenders, regardless of their supervision status, to inform their local law enforcement agency within seven days if they are hospitalized, or if they change employment, leave their job, or transfer to another location with their present employer.
- The bill would take effect September 1, 2001.
- SUPPORTERS SAY:** HB 121 would close a loophole in the law that relieves registered sex offenders under state supervision of their responsibility to report changes in their job or health status to their registering law enforcement agency. Currently, sex offenders under state supervision only must inform their

parole or probation officer of a change in status, and the burden to report the change lies with the supervising officer. If offenders fail to inform their supervising officer, they could face parole or probation revocation but are not subject to a felony charge. On the other hand, if registered sex offenders not under supervision fail to inform the registering law enforcement agency of their change in status, they are subject to a felony charge. It is unfair for sex offenders who are on parole or probation to have a lesser responsibility to report their status than those who are not under state supervision.

Registered sex offenders who were unable to comply with the seven-day notification requirement because of catastrophic illness would be protected because prosecutors would have to prove that the defendant had a culpable mental state and intended to violate the law. In a situation where a person failed to report a status change because of catastrophic illness, it is unlikely that the prosecution could prove the defendant had the culpable mental state to violate the law.

OPPONENTS  
SAY:

Because of the very serious consequences for failure to inform law enforcement of a change in status, this bill should stipulate that the defendant must knowingly commit an offense to be in violation of the law. It would be unfair to subject to felony charges a defendant who was in a coma for a month and who therefore was unable to inform the registering agency within seven days of his change in health status.

This bill would create a burden for registering law enforcement agencies by requiring them to handle additional notification input when both registered sex offenders and their supervising officers report status changes. In requiring supervised offenders to report any change in their status, the bill would not eliminate the requirement that probation or parole supervisors also inform local law enforcement of the same change for the offenders under their supervision.