

SUBJECT: Requiring sex offenders on school premises to notify school officials

COMMITTEE: Public Education — committee substitute recommended

VOTE: 8 ayes — Eissler, Zedler, Branch, Delisi, Hochberg, Mowery, Olivo,  
Patrick

0 nays

1 absent — Dutton

WITNESSES: For — (*Registered, but did not testify:* Amy Beneski, Texas Association of School Administrators; Portia Bosse, Texas State Teachers Association; David Duty, Texas Association of School Boards; Lindsay Gustafson, Texas Classroom Teachers Association; Elena Lincoln, Association of Texas Professional Educators; Ted Melina Raab, Texas Federation of Teachers)

Against — None

BACKGROUND: Code of Criminal Procedure, art. 62 requires offenders convicted of sex offenses to register their home addresses with local law enforcement authorities and periodically to verify the information.

Judges are required to prohibit certain sex offenders from living, working, or entering specified areas, including schools and day care facilities, called child safety zones. These restrictions, found in Code of Criminal Procedure, art 42.12, sec. 13B and Government Code, sec. 508.187, apply to offenders convicted of certain sex crimes who are placed on probation or parole. Courts and the parole board also can use their general authority to impose child safety zones on other offenders not named in the statutes. Courts or the parole board have no authority to apply such restrictions to offenders who are released from prison after completing their sentences or being freed from the conditions of probation or parole.

For more information about child safety zones see House Research Organization, Focus Report 79-16, *Should Texas Change Its Laws Dealing with Sex Offenders?*, October 18, 2006.

**DIGEST:** CSHB 958 would require people subject to sex offender registration who entered a school during standard operating hours immediately to notify the school's administrative office of their presence and to tell the office that they are registered sex offenders. School offices would be authorized to have someone chaperone the offenders while they were on campus.

This requirement would not apply to students enrolled at the school or to students from another school who were participating in an event at the school. The requirement would be in addition to any requirements imposed on the offender by a child safety zone.

Schools would be defined as private or public elementary or secondary schools or day care centers, which would mean child care facilities that provide care for more than 12 children under age 14.

Sex offender registration forms provided by local law enforcement authorities to offenders would have to include a description of this new requirement to inform school officials of the offender's presence in a school.

The bill would take effect September 1, 2007, and would apply to people subject to registration for offenses that occurred before, on, or after that date.

**SUPPORTERS  
SAY:**

CSHB 958 is necessary to give schools the tools they need to help protect school children from sex offenders who want to visit school campuses. It would close a loophole in the current law that restricts some sex offenders from going near schools.

Currently, while sex offenders on probation or parole can be prohibited through the use of child safety zones from entering the area around a school, there is no authority for any entity to apply such restrictions to offenders who are released from prison after completing their sentences or who are freed from the conditions of probation or parole. Each school district sets its own policy on visitors and on who may move throughout a school. While schools may have visitors sign in at the office and some districts may employ systems that scan drivers licenses and check visitors' backgrounds, sex offenders have no obligation to identify themselves.

CSHB 958 would close this loophole by requiring offenders to notify school administrators of their presence. This would ensure that school

officials knew they were on campus and would allow the officials to take any action they deemed necessary. For example, school officials could ask a construction company to use a different employee if a construction worker announced to the office that he was a registered sex offender.

CSHB 958 would not deny parents who are sex offenders access to their children nor ban all offenders from campus, but it would allow school officials to evaluate each situation and to make informed decisions on a case-by-case basis. Schools cannot deny parents access to their children unless a court order bans the offender from the school, so in those situations school officials simply would have to decide how to accommodate the parents' presence on campus. The bill would authorize school officials, if warranted, to require that offenders be accompanied by a chaperone while the offender was on campus. This would strike a good balance between the need for officials to know who was on campus and keep tabs on sex offenders at schools and the legitimate needs of some offenders, such as parents or others, to sometimes have access to school campuses.

The number of times individual schools would have to deal with the situation described by the bill should not be excessive, so should not burden school officials who might act as chaperones. Schools would have alternatives to providing chaperones, such as alerting other school personnel that an offender was on campus.

It is wrong to assume CSHB 958 would punish those who complied with it. School officials are used to balancing the needs of parents and others with the overarching requirement to keep kids safe and would make appropriate decisions about who could be on campus. Concerns that banned offenders or chaperoned offenders would be stigmatized are far outweighed by the need to give schools the tools to keep children safe. Committing a sex offense carries many serious consequences, and CSHB 958 simply would be another appropriate consequence.

Sex offenders who need or want to visit schools should share the responsibility for campus safety. CSHB 978 would be a way for a parent or any other person, such as a vendor with a legitimate, non-threatening reason to be on campus, to protect themselves from suspicion and to signal that they recognized the need of schools to keep kids safe.

Sex offenders who wanted to attend a civic function at a school would not be unduly burdened by CSHB 958. Most of these activities take place after

the standard operating hours of the school, which would be the only time the bill would require an offender to check in at a school office. Voting extends until the polls close at 7 p.m., which is long after the school's operating hours. In addition, with Texas' policy of early voting, sex offenders would have ample opportunities to vote in locations other than schools.

CSHB 958 would make an appropriate exception for children who had to be on school campuses by not requiring that they notify the office. Schools are notified by local law enforcement authorities under a local policy addressing students who are sex offenders. Students from other schools who were sex offenders and who were on another school's grounds during school hours would be there for sanctioned events that would be expected to have supervision.

Offenders would be motivated to comply with CSHB 958 because failure to comply with any requirement under Texas' sex offender registration laws is a felony offense.

OPPONENTS  
SAY:

CSHB 958 would punish those offenders who complied with it without a corresponding increase in school safety. Offenders who notified school officials of their presence on campus most likely routinely would be banned or otherwise stigmatized, while those who did not announce to school officials their status as sex offenders could pass through the school like any other visitors.

While CSHB 958 would give officials flexibility in how to handle sex offenders, given the current highly charged atmosphere surrounding sex crimes and the limited resources of most schools, administrators' most common reaction to the presence of offenders could be to ban them or to make them wait until a chaperone became available. Most schools do not have extra staff available to chaperone offenders, and schools could be reluctant to take on the liability of allowing an offender to move about a school unchaperoned. Giving schools this kind of discretion could lead to unfair decisions, inconsistencies, and confusion.

CSHB 958 would not provide enough safeguards to ensure that parents or others who were sex offenders and had a legitimate reason to be at a school would fairly be accommodated by the school. Many school visitors – such as guests at an assembly, workers, or vendors – with a previous conviction for a sex offense could have a legitimate, non-threatening need

to be on campus . Other sex offenders may need to go on school grounds to vote or for some other civic function. CSHB 978 would lump people who may have a long-ago conviction for a minor offense together with sexual predators and have all of them publicly announce their presence.

**NOTES:**

The committee substitute added an exception to the bill's requirements for certain students and limited the requirements to only during a school's standard operating hours.