

## **BILL ANALYSIS**

Senate Research Center  
76R13098 PEP-D

C.S.S.B. 1650  
By: Jackson  
Criminal Justice  
4/23/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, Texas law requires persons subject to sex offender registration to register with certain authorities upon release from a penal institution. C.S.S.B. 1650 would establish provisions regarding the public notice requirements applicable to persons who are subject to sex offender registration.

### **PURPOSE**

As proposed, C.S.S.B. 1650 establishes provisions regarding the public notice requirements applicable to persons who are subject to sex offender registration.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Articles 62.03(a), (b), (c), (e), and (f), Code of Criminal Procedure, to require the risk assessment review committee (committee) established under Article 62.035, before a person subject to registration is due to be released, to determine the person's level of risk to a community using the sex offender screening tool developed or selected, assign the person to a numeric risk level, and immediately send a written notice to the institution from which the person is being released. Sets forth requirements for the institution upon receiving notice regarding a person's sex offender status. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Chapter 62, Code of Criminal Procedure, by adding Article 62.035, as follows:

Art. 62.035. RISK ASSESSMENT REVIEW COMMITTEE; SEX OFFENDER SCREENING TOOL. Requires the Texas Department of Criminal Justice (TDCJ) to establish a risk assessment review committee to be composed of at least five members each of whom are employed by the state. Sets forth certain individuals authorized to compose the committee. Requires the committee to develop a screening tool, or select from existing tools, to be used in determining the risk level of a person subject to registration under this chapter. Requires the screening tool to use an objective point system under which to assign points to various factors regarding the offender, the victim, and other relevant information. Sets forth general guidelines the committee shall use or adopt in developing the sex offender screening tool consisting of three levels.

SECTION 3. Amends Articles 62.04(f) and (g), Code of Criminal Procedure, to make conforming and nonsubstantive changes.

SECTION 4. Amends Chapter 62, Code of Criminal Procedure, by adding Article 62.045, as follows:

Art. 62.045. ADDITIONAL PUBLIC NOTICE FOR CERTAIN OFFENDERS. Provides that on the receipt of notice that a person subject to registration is due to be released from a penal institution, has been placed on community supervision or juvenile probation, or intends to move to a new residence in this state, TDCJ shall verify the person's assigned risk level. Requires TDCJ, by a certain date, to provide a notice of release to notify by mail or delivery everyone within a certain radius of the place where the person intends to reside. Requires TDCJ to include in the notice only public information. Requires TDCJ to develop procedures for the person about whom the notice is written to pay all costs incurred due to distribution of the notice, with exceptions. Requires the person about whom the notice is written to pay the costs in accordance with TDCJ's

procedures.

SECTION 5. Amends Section 19(g), Article 42.12, Code of Criminal Procedure, to make conforming changes.

SECTION 6. Amends Section 508.186(a), Government Code, to make conforming changes.

SECTION 7. Provides that this Act, to the extent of any conflict, prevails over another Act of the 76th Legislature, Regular Session, 1999, relating to nonsubstantive additions and corrections in enacted codes.

SECTION 8. Requires the Texas Department of Public Safety to establish the risk assessment review committee not later than September 1, 1999. Requires the sex offender review committee to develop the sex offender screening tool not later than December 1, 1999, and to have the tool available for use in cases not later than December 15, 1999. Requires the sex offender screening tool numeric risk levels to be assigned to necessary offenders on or after January 1, 2000.

SECTION 9. Requires TDCJ to establish the procedures required by Article 62.045, Code of Criminal Procedure, not later than January 1, 2000. Makes application of this Act prospective to January 1, 2000.

SECTION 10. Emergency clause.

Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

#### **SECTION 1.**

Amends Articles 62.03(a), (b), (c), (e), and (f), Code of Criminal Procedures, to establish a sex offender screening tool developed or selected for a risk assessment review committee.

#### **SECTION 2.**

Amends Article 62.035, Code of Criminal Procedure, to require TDCJ to establish a risk assessment review committee to be composed of at least five members each of whom are employed by the state. Sets forth certain individuals authorized to compose the committee. Sets forth general guidelines the committee shall use or adopt in developing the sex offender screening tool consisting of three levels.

#### **SECTION 4.**

Amends Article 62.045, Code of Criminal Procedure, to provide that a person that has been placed on community supervision or juvenile probation is subject to registration. Requires TDCJ to develop procedures for the person about whom the notice is written to pay all costs incurred due to distribution of the notice, with exceptions.

#### **SECTION 8.**

Requires the Texas Department of Public Safety to establish the risk assessment review committee not later than September 1, 1999, rather than October 1, 1999.