

BILL ANALYSIS

Senate Research Center

S.B. 146
By: Estes
Criminal Justice
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Enrolled

DIGEST AND PURPOSE

Under current Texas law, an individual convicted as a sex offender is not required to report a “name change” to the supervising law enforcement agency. According to the Sherman Police Department Family Services Division, the failure to report a sex offender’s “name change” can create a possible loophole, because that individual could become unsupervised. S.B. 146 sets forth the framework for reimbursement from a released sex offender for public notifications and any utility services necessary. This bill also requires notification and other safeguards regarding a sex offender who seeks to change his or her name.

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 Section 19, Article 42.12, Code of Criminal Procedure, by amending Subsection (g) and adding Subsection (h), as follows:

(g) Requires the judge, if the judge places on community supervision a person required to register as a sex offender under Chapter 62 (Sex Offender Registration Program), to require as a condition of community supervision that the person pay to the person's supervising officer an amount equal to the cost, as evidenced by written receipt, incurred by the applicable local law enforcement authority, rather than the actual cost, for providing notice for publication to a newspaper as required by Chapter 62. Authorizes a political subdivision served by the local law enforcement authority to bill any unpaid amount, identified separately, within a bill for a utility service provided by the political subdivision to the person and to suspend service of the utility to a person who is delinquent in payment of the amount until the delinquent claim is fully paid to the political subdivision. Requires a community supervision and corrections department or political subdivision, as applicable, to remit an amount collected under this subsection to the applicable local law enforcement authority. Defines "utility service."

(h) Creates this subsection from existing text. Makes a conforming change.

SECTION 2. Amends Section 2(b), Article 42.22, Code of Criminal Procedure, to provide that the state has a restitution lien to secure the amount of reimbursement for costs of notice provided under Article 62.03 (Prerelease Notification) or 62.04 (Change of Address), in addition to other amounts.

SECTION 3. Amends Chapter 62, Code of Criminal Procedure, by adding Article 62.041, as follows:

Art. 62.041. AUTHORITY OF POLITICAL SUBDIVISION TO COLLECT COSTS OF CERTAIN NOTICE. (a) Defines "utility service."

(b) Authorizes a political subdivision served by a local law enforcement authority obtaining publication of notice under Article 62.03 or 62.04 to bill any unpaid amount under that article, identified separately, within a bill for a utility service

provided by the political subdivision to the person who is the subject of the notice, and to suspend service of the utility to a person who is delinquent in payment of the amount until the delinquent claim is fully paid to the political subdivision.

(c) Requires the political subdivision to remit an amount collected under this article to the local law enforcement authority.

SECTION 4. Amends Article 62.05, Code of Criminal Procedure, as follows:

Art. 62.05. STATUS REPORT BY SUPERVISING OFFICER. Provides that, regarding a name change for a registered sex offender, the notice of the proposed name change sent to a local law enforcement authority is sufficient for the purposes of this subsection, except that the person is required to promptly notify the authority of any denial of the person's petition for a change of name. Makes conforming and nonsubstantive changes.

SECTION 5. Amends Section 45.002(a), Family Code, to require a petition to change the name of a child to indicate whether the child is subject to the registration requirements of Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure.

SECTION 6. Amends Section 45.004, Family Code, by amending Subsection (a) and adding Subsection (c), as follows:

Sec. 45.004. ORDER. (a) Authorizes the court to order the name of a child who is subject to Chapter 62, Code of Criminal Procedure, changed if certain factors are met.

(c) Provides that in this section, "local law enforcement authority" has the meaning assigned by Article 62.01, Code of Criminal Procedure.

SECTION 7. Amends Section 45.102(a), Family Code, to require a petition to change the name of an adult to indicate whether the adult is subject to the registration requirements of Chapter 62, Code of Criminal Procedure.

SECTION 8. Amends Section 45.103, Family Code, by amending Subsection (a) and adding Subsection (c), as follows:

Sec. 45.103. ORDER. (a) Requires the court to order a change of name under this subchapter for a person, other than a person with a final felony conviction or a person subject to the registration requirements of Chapter 62, Code of Criminal Procedure, if the change is in the interest or to the benefit of the petitioner and in the interest of the public.

(c) Authorizes a court to order a change of name under this subchapter for a person subject to the registration requirement of Chapter 62, Code of Criminal Procedure, if, in addition to the requirements of Subsection (a), the person provides the court with proof that the person has notified the appropriate local law enforcement authority of the proposed name change. Makes conforming changes.

SECTION 9. Amends Section 508.186, Government Code, by adding Subsection (a-1) and amending Subsection (b), as follows:

(a-1) Authorizes a political subdivision served by the local law enforcement authority to bill any unpaid amount under Subsection (a)(2), identified separately, within a bill for a utility service provided by the political subdivision to the releasee and to suspend service of the utility to a releasee who is delinquent in payment of the amount until the delinquent claim is fully paid to the political subdivision. Defines "utility service."

(b) Requires the division or political subdivision, as applicable, to remit an amount collected under this section to the applicable local law enforcement authority.

SECTION 10. (a) Makes application of Article 62.05, Code of Criminal Procedure, as amended

by this Act, retroactive.

(b) Makes application of this Act prospective in regard to Sections 45.002, 45.004, 45.102, and 45.103, Family Code.

SECTION 11. Effective date: September 1, 2003.