

BILL ANALYSIS

S.B. 146
By: Estes
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A sex offender must report to the proper law enforcement agency every year or every 90 days to update most registry information, depending on his or her criminal record. However, if there is a change that affects the sex offender's physical health or job status, notification must be made within seven days of the change. Under current law, a sex offender is not required to report a name change until the periodic registry update, up to 364 days from the date of the change. Senate Bill 146 requires a person that must register as a sex offender who changes his or her name to report the name change to the local law enforcement agency within seven days. Further, the bill provides that before a court grants a name change, it must determine that the name change is in the public interest and a person who is required to register as a sex offender must provide proof to the court that the person has notified the local law enforcement agency of the proposed name change.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Senate Bill 146 amends Chapter 62 of the Code of Criminal Procedure to require that a person subject to registration requirements under this chapter report to local law enforcement any change in his or her name within seven days of the change. A court order would be sufficient notification of a successful name change, but the person must notify the authority "promptly" in case of a denial of a petition for a change of name. Chapter 62 of the Code of Criminal Procedure is also amended to require an officer supervising a person subject to registration who becomes aware that the person has changed his or her name to report the change to local law enforcement (this includes adult and juvenile probation, parole, and community supervision officers).

Senate Bill 146 also amends Chapter 45 of the Family Code to require that petitions to change the name of a child or an adult include whether that person is subject to sex offender registration requirements. The bill sets out that a court may not grant an order to change the name of such a child unless the change is in the interest of the public and the person petitioning on behalf of the child provides proof that local law enforcement has been notified of the proposed name change. Under this Act, a court may not grant an order to change the name of an adult unless the change is in the interest or to the benefit of the petitioner and in the interest of the public and the person provides the court with proof that the person has notified local law enforcement of the proposed name change.

The change in law made by this Act amending Article 62.05, Code of Criminal Procedure, 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.

The change in law made by this Act amending the Family Code applies only to a petition for a name change made on or after the effective date of this Act. The former law is in effect for petitions filed before the effective date of this Act.

EFFECTIVE DATE

This Act takes effect September 1, 2003.