

1-1 By: Shapiro S.B. No. 166
1-2 (In the Senate - Filed January 7, 2003; January 30, 2003,
1-3 read first time and referred to Committee on Education;
1-4 May 2, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; May 2, 2003, sent
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 166 By: Janek

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to sex offender registration requirements imposed on
1-11 certain higher education workers or students, to immunity for
1-12 release of public information obtained as a result of those
1-13 requirements, and to reports of status changes.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Article 62.01, Code of Criminal Procedure, is
1-16 amended by adding Subdivisions (8) and (9) to read as follows:

1-17 (8) "Public or private institution of higher
1-18 education" includes a college, university, community college, or
1-19 technical or trade institute.

1-20 (9) "Authority for campus security" means the
1-21 authority with primary law enforcement jurisdiction over property
1-22 under the control of a public or private institution of higher
1-23 education, other than a local law enforcement authority.

1-24 SECTION 2. Subsection (b), Article 62.011, Code of Criminal
1-25 Procedure, is amended to read as follows:

1-26 (b) A person is a student for purposes of this chapter if the
1-27 person enrolls on a full-time or part-time basis in any educational
1-28 facility, including:

1-29 (1) a public or private primary or secondary school,
1-30 including a high school or alternative learning center; or

1-31 (2) a public or private institution of higher
1-32 education~~[, including a college, university, community college, or~~
1-33 ~~technical or trade institute].~~

1-34 SECTION 3. Subsections (b) and (g), Article 62.02, Code of
1-35 Criminal Procedure, are amended to read as follows:

1-36 (b) The department shall provide the Texas Department of
1-37 Criminal Justice, the Texas Youth Commission, the Texas Juvenile
1-38 Probation Commission, and each local law enforcement authority,
1-39 authority for campus security, county jail, and court with a form
1-40 for registering persons required by this chapter to register. The
1-41 registration form shall require:

1-42 (1) the person's full name, each alias, date of birth,
1-43 sex, race, height, weight, eye color, hair color, social security
1-44 number, driver's licensenumber, shoe size, and home address;

1-45 (2) a recent color photograph or, if possible, an
1-46 electronic digital image of the person and a complete set of the
1-47 person's fingerprints;

1-48 (3) the type of offense the person was convicted of,
1-49 the age of the victim, the date of conviction, and the punishment
1-50 received;

1-51 (4) an indication as to whether the person is
1-52 discharged, paroled, or released on juvenile probation, community
1-53 supervision, or mandatory supervision;

1-54 (5) an indication of each license, as defined by
1-55 Article 62.08(f), that is held or sought by the person; ~~and~~

1-56 (6) an indication as to whether the person is or will
1-57 be employed, carrying on a vocation, or a student at a particular
1-58 public or private institution of higher education in this state or
1-59 another state, and the name and address of that institution; and

1-60 (7) any other information required by the department.

1-61 (g) If the other state has a registration requirement for
1-62 sex offenders, a person who has a reportable conviction or
1-63 adjudication, who resides in this state, and who is employed,

2-1 carries on a vocation, or is a student in another state shall, not
 2-2 later than the 10th day after the date on which the person begins to
 2-3 work or attend school in the other state, register with the law
 2-4 enforcement authority that is identified by the department as the
 2-5 authority designated by that state to receive registration
 2-6 information. If the person is employed, carries on a vocation, or
 2-7 is a student at a public or private institution of higher education
 2-8 in the other state and if an authority for campus security exists at
 2-9 the institution, the person shall also register with that authority
 2-10 not later than the 10th day after the date on which the person
 2-11 begins to work or attend school.

2-12 SECTION 4. Subsections (a) and (h), Article 62.03, Code of
 2-13 Criminal Procedure, are amended to read as follows:

2-14 (a) Before a person who will be subject to registration
 2-15 under this chapter is due to be released from a penal institution,
 2-16 the Texas Department of Criminal Justice or the Texas Youth
 2-17 Commission shall determine the person's level of risk to the
 2-18 community using the sex offender screening tool developed or
 2-19 selected under Article 62.035 and assign to the person a numeric
 2-20 risk level of one, two, or three. Before releasing the person, an
 2-21 official of the penal institution shall:

2-22 (1) inform the person that:

2-23 (A) not later than the seventh day after the date
 2-24 on which the person is released or the date on which the person
 2-25 moves from a previous residence to a new residence in this state,
 2-26 the person must:

2-27 (i) register or verify registration with
 2-28 the local law enforcement authority in the municipality or county
 2-29 in which the person intends to reside; or

2-30 (ii) if the person has not moved to an
 2-31 intended residence, report to the juvenile probation officer,
 2-32 community supervision and corrections department officer, or
 2-33 parole officer supervising the person;

2-34 (B) not later than the seventh day before the
 2-35 date on which the person moves to a new residence in this state or
 2-36 another state, the person must report in person to the local law
 2-37 enforcement authority with whom the person last registered and to
 2-38 the juvenile probation officer, community supervision and
 2-39 corrections department officer, or parole officer supervising the
 2-40 person;

2-41 (C) not later than the 10th day after the date on
 2-42 which the person arrives in another state in which the person
 2-43 intends to reside, the person must register with the law
 2-44 enforcement agency that is identified by the department as the
 2-45 agency designated by that state to receive registration
 2-46 information, if the other state has a registration requirement for
 2-47 sex offenders; ~~and~~

2-48 (D) not later than the 30th day after the date on
 2-49 which the person is released, the person must apply to the
 2-50 department in person for the issuance of an original or renewal
 2-51 driver's license or personal identification certificate and a
 2-52 failure to apply to the department as required by this paragraph
 2-53 results in the automatic revocation of any driver's license or
 2-54 personal identification certificate issued by the department to the
 2-55 person; and

2-56 (E) the person must notify appropriate entities
 2-57 of any change in status as described by Article 62.05;

2-58 (2) require the person to sign a written statement
 2-59 that the person was informed of the person's duties as described by
 2-60 Subdivision (1) or Subsection (h) or, if the person refuses to sign
 2-61 the statement, certify that the person was so informed;

2-62 (3) obtain the address where the person expects to
 2-63 reside on the person's release and other registration information,
 2-64 including a photograph and complete set of fingerprints; and

2-65 (4) complete the registration form for the person.

2-66 (h) Before a person who will be subject to registration
 2-67 under this chapter is due to be released from a penal institution in
 2-68 this state, an official of the penal institution shall inform the
 2-69 person that:

3-1 (1) if the person intends to reside in another state
 3-2 and to work or attend school in this state, the person must, not
 3-3 later than the seventh day after the date on which the person begins
 3-4 to work or attend school, register or verify registration with the
 3-5 local law enforcement authority in the municipality or county in
 3-6 which the person intends to work or attend school; ~~and~~

3-7 (2) if the person intends to reside in this state and
 3-8 to work or attend school in another state and if the other state has
 3-9 a registration requirement for sex offenders, the person must:

3-10 (A) ~~[7]~~ not later than the 10th day after the date
 3-11 on which the person begins to work or attend school in the other
 3-12 state, register with the law enforcement authority that is
 3-13 identified by the department as the authority designated by that
 3-14 state to receive registration information; and

3-15 (B) if the person intends to be employed, carry
 3-16 on a vocation, or be a student at a public or private institution of
 3-17 higher education in the other state and if an authority for campus
 3-18 security exists at the institution, register with that authority
 3-19 not later than the 10th day after the date on which the person
 3-20 begins to work or attend school; and

3-21 (3) regardless of the state in which the person
 3-22 intends to reside, if the person intends to be employed, carry on a
 3-23 vocation, or be a student at a public or private institution of
 3-24 higher education in this state, the person must:

3-25 (A) not later than the seventh day after the date
 3-26 on which the person begins to work or attend school, register with:

3-27 (i) the authority for campus security for
 3-28 that institution; or

3-29 (ii) except as provided by Article
 3-30 62.064(e), if an authority for campus security for that institution
 3-31 does not exist, the local law enforcement authority of:

3-32 (a) the municipality in which the
 3-33 institution is located; or

3-34 (b) the county in which the
 3-35 institution is located, if the institution is not located in a
 3-36 municipality; and

3-37 (B) not later than the seventh day after the date
 3-38 the person stops working or attending school, notify the
 3-39 appropriate authority for campus security or local law enforcement
 3-40 authority of the termination of the person's status as a worker or
 3-41 student.

3-42 SECTION 5. Article 62.05, Code of Criminal Procedure, is
 3-43 amended to read as follows:

3-44 Art. 62.05. STATUS REPORT BY SUPERVISING OFFICER OR LOCAL
 3-45 LAW ENFORCEMENT AGENCY. (a) If the juvenile probation officer,
 3-46 community supervision and corrections department officer, or
 3-47 parole officer supervising a person subject to registration under
 3-48 this chapter receives information to the effect that the person's
 3-49 status has changed in any manner that affects proper supervision of
 3-50 the person, including a change in the person's physical health, job
 3-51 or educational status, higher educational status, incarceration,
 3-52 or terms of release, the supervising officer shall promptly notify
 3-53 the appropriate local law enforcement authority or authorities of
 3-54 that change. If the person required to register intends to change
 3-55 address, the ~~[person's]~~ supervising officer shall notify the local
 3-56 law enforcement authorities designated by Article 62.04(b). Not
 3-57 later than the seventh day after the date the supervising officer
 3-58 receives the relevant information, the supervising officer shall
 3-59 notify the local law enforcement authority of any change in the
 3-60 person's job or educational status in which the person:

3-61 (1) becomes employed, begins to carry on a vocation,
 3-62 or becomes a student at a particular public or private institution
 3-63 of higher education; or

3-64 (2) terminates the person's status in that capacity.

3-65 (b) Not later than the seventh day after the date of the
 3-66 change, a [A] person subject to registration under this chapter
 3-67 shall report to the local law enforcement authority any change in
 3-68 the person's physical health or in the person's job or educational
 3-69 status, including higher educational status [not later than the

4-1 ~~seventh day after the date of the change]~~. For purposes of this
 4-2 subsection, a person's job status changes if the person leaves
 4-3 employment for any reason, remains employed by an employer but
 4-4 changes the location at which the person works, or begins
 4-5 employment with a new employer. For purposes of this subsection, a
 4-6 person's health status changes if the person is hospitalized as a
 4-7 result of an illness. For purposes of this subsection, a change in
 4-8 a person's educational status includes the person's transfer from
 4-9 one educational facility to another. Not later than the seventh day
 4-10 after the date the local law enforcement authority receives the
 4-11 relevant information, the local law enforcement authority shall
 4-12 notify the department of any change in the person's job or
 4-13 educational status in which the person:

4-14 (1) becomes employed, begins to carry on a vocation,
 4-15 or becomes a student at a particular public or private institution
 4-16 of higher education; or

4-17 (2) terminates the person's status in that capacity.

4-18 SECTION 6. Chapter 62, Code of Criminal Procedure, is
 4-19 amended by adding Article 62.064 to read as follows:

4-20 Art. 62.064. REGISTRATION OF WORKERS OR STUDENTS AT
 4-21 INSTITUTIONS OF HIGHER EDUCATION. (a) Not later than the seventh
 4-22 day after the date on which the person begins to work or attend
 4-23 school, a person required to register under Article 62.061, as
 4-24 added by Chapters 1193 and 1415, Acts of the 76th Legislature,
 4-25 Regular Session, 1999, or any other provision of this chapter who is
 4-26 employed, carries on a vocation, or is a student at a public or
 4-27 private institution of higher education in this state shall report
 4-28 that fact to:

4-29 (1) the authority for campus security for that
 4-30 institution; or

4-31 (2) if an authority for campus security for that
 4-32 institution does not exist, the local law enforcement authority of:

4-33 (A) the municipality in which the institution is
 4-34 located; or

4-35 (B) the county in which the institution is
 4-36 located, if the institution is not located in a municipality.

4-37 (b) A person described by Subsection (a) shall provide the
 4-38 authority for campus security or the local law enforcement
 4-39 authority with all information the person is required to provide
 4-40 under Article 62.02(b).

4-41 (c) A person described by Subsection (a) shall notify the
 4-42 authority for campus security or the local law enforcement
 4-43 authority not later than the seventh day after the date of
 4-44 termination of the person's status as a worker or student at the
 4-45 institution.

4-46 (d) The authority for campus security or the local law
 4-47 enforcement authority shall promptly forward to the administrative
 4-48 office of the institution any information received from the person
 4-49 under this article and any information received from the department
 4-50 under Article 62.08.

4-51 (e) Subsection (a)(2) does not require a person to register
 4-52 at a local law enforcement authority if the person is otherwise
 4-53 required by this chapter to register at that authority.

4-54 (f) This article does not impose the requirements of public
 4-55 notification or notification to public or private primary or
 4-56 secondary schools on:

4-57 (1) an authority for campus security; or

4-58 (2) a local law enforcement authority, if those
 4-59 requirements relate to a person about whom the authority is not
 4-60 otherwise required by this chapter to make notifications.

4-61 (g) Notwithstanding Article 62.062, the requirements of
 4-62 this article supersede those of Article 62.062 for a person
 4-63 required to register under both this article and Article 62.062.

4-64 (h) Regardless of the date on which the person began to work
 4-65 or attend school, a person described by Subsection (a) who is
 4-66 employed, carrying on a vocation, or is a student at a public or
 4-67 private institution of higher education in this state on September
 4-68 1, 2003, shall report that fact not later than October 1, 2003, to
 4-69 the appropriate authority as described by Subsection (a). This

5-1 subsection expires September 1, 2004.

5-2 SECTION 7. Article 62.08, Code of Criminal Procedure, is
5-3 amended by amending Subsection (b) and adding Subsections (h) and
5-4 (i) to read as follows:

5-5 (b) The information contained in the database is public
5-6 information, with the exception of any information:

5-7 (1) regarding the person's social security number,
5-8 driver's license number, or telephone number;

5-9 (2) that is required by the department under Article
5-10 62.02(b)(7) [~~62.02(b)(6)~~]; or

5-11 (3) that would identify the victim of the offense for
5-12 which the person is subject to registration.

5-13 (h) Not later than the third day after the date on which the
5-14 applicable information becomes available through the person's
5-15 registration or verification of registration or under Article
5-16 62.05, the department shall send notice of any person required to
5-17 register under this chapter who is or will be employed, carrying on
5-18 a vocation, or a student at a public or private institution of
5-19 higher education in this state to:

5-20 (1) for an institution in this state:

5-21 (A) the authority for campus security for that
5-22 institution; or

5-23 (B) if an authority for campus security for that
5-24 institution does not exist, the local law enforcement authority of:

5-25 (i) the municipality in which the
5-26 institution is located; or

5-27 (ii) the county in which the institution is
5-28 located, if the institution is not located in a municipality; or

5-29 (2) for an institution in another state, any existing
5-30 authority for campus security at that institution.

5-31 (i) On the written request of an institution of higher
5-32 education described by Subsection (h) that identifies an individual
5-33 and states that the individual has applied to work or study at the
5-34 institution, the department shall release any information
5-35 described by Subsection (a) to the institution.

5-36 SECTION 8. Subsections (a) and (d), Article 62.09, Code of
5-37 Criminal Procedure, are amended to read as follows:

5-38 (a) The department, a penal institution, [~~or~~] a local law
5-39 enforcement authority, or an authority for campus security may
5-40 release to the public information regarding a person required to
5-41 register only if the information is public information under this
5-42 chapter.

5-43 (d) A private primary or secondary school, public or private
5-44 institution of higher education, or administrator of a private
5-45 primary or secondary school or public or private institution of
5-46 higher education may release to the public information regarding a
5-47 person required to register only if the information is public
5-48 information under this chapter and is released to the administrator
5-49 under Article 62.03, [~~or~~] 62.04, 62.064, or 62.08. A private
5-50 primary or secondary school, public or private institution of
5-51 higher education, or administrator of a private primary or
5-52 secondary school or public or private institution of higher
5-53 education is not liable under any law for damages arising from
5-54 conduct authorized by this subsection.

5-55 SECTION 9. Article 62.13, Code of Criminal Procedure, is
5-56 amended by amending Subsections (k), (o), (q), and (r) and adding
5-57 Subsection (q-1) to read as follows:

5-58 (k) After a hearing under Subsection (b) or under a plea
5-59 agreement under Subsection (f), the juvenile court may enter an
5-60 order requiring the respondent to register as a sex offender but
5-61 provide that the registration information is not public information
5-62 and is restricted to use by law enforcement and criminal justice
5-63 agencies and public or private institutions of higher education.
5-64 Information obtained under this subsection may not be posted on the
5-65 Internet or released to the public.

5-66 (o) To the extent feasible, the motion under Subsection (l)
5-67 shall identify those public and private agencies and organizations,
5-68 including public or private institutions of higher education, that
5-69 possess sex offender registration information about the case.

6-1 (q) If the court grants the motion, a copy of the court's
6-2 order shall be sent to:

6-3 (1) each public or ~~and~~ private agency or
6-4 organization that the court determines may be in possession of sex
6-5 offender registration information pertaining to the person
6-6 required to register under this chapter; and

6-7 (2) at the request of the person required to register
6-8 under this chapter, each public or private agency or organization
6-9 that at any time following the initial dissemination of the order
6-10 under Subdivision (1) gains possession of sex offender registration
6-11 information pertaining to that person, if the agency or
6-12 organization did not otherwise receive a copy of the order under
6-13 Subdivision (1).

6-14 (q-1) An ~~The~~ order under Subsection (q) shall require the
6-15 recipient to conform its records to the court's orders either by
6-16 deleting the sex offender registration information or changing its
6-17 status to nonpublic, as the order requires. A public or private
6-18 institution of higher education may not be required to delete the
6-19 sex offender registration information under this subsection.

6-20 (r) A private agency or organization that possesses sex
6-21 offender registration information it obtained from a state, county,
6-22 or local governmental entity is required to conform its records to
6-23 the court's order on or before the 30th day after the date of its
6-24 entry. Failure to comply in that period automatically bars an ~~the~~
6-25 agency or organization, other than a public or private institution
6-26 of higher education, from obtaining sex offender registration
6-27 information from any state, county, or local governmental entity in
6-28 this state in the future.

6-29 SECTION 10. (a) The Department of Public Safety of the
6-30 State of Texas shall establish the procedures required by
6-31 Subsections (h) and (i), Article 62.08, Code of Criminal Procedure,
6-32 as added by this Act, not later than October 1, 2003.

6-33 (b) The change in law made by this Act applies to a person
6-34 subject to registration under Chapter 62, Code of Criminal
6-35 Procedure, for an offense or conduct that was committed before, on,
6-36 or after the effective date of this Act.

6-37 SECTION 11. This Act takes effect September 1, 2003.

6-38 * * * * *