

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION
Revision 1

April 5, 2005

TO: Honorable Terry Keel, Chair, House Committee on Criminal Jurisprudence

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB3043 by Madden (Relating to the duration of sex offender registration requirements for certain youthful offenders.), **As Introduced**

No significant fiscal implication to the State is anticipated.

This bill would amend the Code of Criminal Procedure as it relates to the duration of sex offender registration requirements for certain youthful offenders.

Section 1 of the bill would amend the Code of Criminal Procedure to allow certain persons, on or after the seventh anniversary of the date they were first required to register, to petition the court for an order excusing the person from continued registration. In order to be eligible, the person would have to comply with Article 62.0105 (b) or (c) of the code of Criminal Procedure, be currently registered and subject to lifetime registration, and, in committing the offense, had a reasonable belief that the victim was no more than three years younger than the person. If the court determines the person is eligible, the court would be required to issue an order excusing the person from continued registration unless the court believes it would be a threat to public safety.

The court would be required to send the Department of Public Safety (DPS) a copy of the order excusing the person from continued registration, and DPS would be required to remove all information about the person from the sex offender registry. The order excusing the person from continued registration would not expire; but the court may withdraw the order if the person receives a subsequent reportable conviction or adjudication for which registration is required. DPS currently updates any changes to sex offender registrations and reports no significant fiscal or operational impact is anticipated as a result of this bill.

The federal Wetterling Act prescribes a 10-year registration requirement for offenders convicted of a sexually violent offense or a criminal offense against a victim who is a minor. The Act provides for a mandatory 10 percent reduction in Byrne Formula Grant funding for states that are not in compliance. The provisions of the bill could result in a 10 percent reduction in Federal Funds received through the Byrne Formula Grant. In fiscal year 2005, the state will receive \$40,557,000 through Byrne Formula Grants. The potential loss in Federal Funds would be \$4,055,700.

The bill would take effect on September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, VDS, LM, SJ