

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 11, 2011**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: SB1366** by West (Relating to the prosecution and registration of, and regulation concerning, sex offenders in this state.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would implement recommendations in the Legislative Budget Board's Government Effectiveness and Efficiency Report entitled "Improve Management And Successful Re-Entry For Adult And Juvenile Registered Sex Offenders," submitted to the Eighty-second Legislature, 2011.

The bill would amend the Code of Criminal Procedure to exempt certain individuals younger than 19 years of age from the duty to register as a sex offender for certain sex offenses if the victim or intended victim was at least 14 years of age, the defendant was not more than four years older than the victim or intended victim, and the offender is not a threat public safety.

The bill would require the Department of Public Safety (DPS) to continue to register all sex offenders, but to maintain a secure website accessible only to law enforcement, and public and private institutions of higher education for low risk sex offenders. The agency would maintain the current public sex offender registry on its website. The public sex offender registry would list all medium risk, high risk, and non-compliant sex offenders. The public registry would include the information currently available as well as additional information about the registrant such as: the age at the time of the registerable offense; relationship to victim, if any; whether the offender used force or a deadly weapon during the offense; and information about the offense for which the individual was originally charged.

The bill would prohibit the governing body of a municipality or the commissioners court of the county from establishing local residency restrictions for registered sex offenders beyond those established for the offender by the court or the Board of Pardons and Paroles.

It is anticipated that the additional costs associated with modifying the sex offender registration process and the sex offender website could be absorbed within the existing resources of DPS. For this analysis it is assumed implementing the provisions of the bill would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources of those agencies.

The bill would take effect September 1, 2011.

**Local Government Impact**

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

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 537 State Health Services, Department of, 701 Central Education Agency

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