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UNIVERSITY OF TEXAS PAN AMERICAN
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RESEARCH ORGANIZATION

Texas House of Representatives

July 24, 1996

Debate continues on Texas' sex offender notification law

In 1995 the 74th Legislature revised the state's four-year-old sex offender registration law to include public notification of the whereabouts of some sex offenders and to make some sex offender information open to the public. The Legislature's 1991 sex-offender registration law and its 1995 amendments requiring public notification about some sex offenders have been praised as necessary for public safety and criticized as either inadequate or unnecessarily burdensome. Some argue that changes in the law are needed.

The public notification amendments to the Texas sex offender registration law, similar to laws in other states that allow the public to keep closer tabs on sex offenders, were enacted in a wave of publicity over sex crimes, including the 1993 murder of 7-year-old Ashley Estell of Dallas by a man with a record of sex offenses. The Texas law is part of a package of laws dealing with sex offenders that became known as "Ashley's Laws."

Texas requires persons convicted of, or given probation or deferred adjudication for, some sex offenses to register with local law enforcement agencies. The law also requires publication of certain descriptive information about some sex offenders who victimized children and the offender's residences, but not their names, and requires notifying school officials that certain offenders are residing or visiting in the area. The Department of Public Safety (DPS) is required to maintain a sex-offender database.

This report summarizes the law, proposals for amending it in the 1997 legislative session and the arguments raised about possible amendments.

Sex offenders in Texas

About 12,200 sex offenders had registered with the Texas Department of Public Safety as of late July 1996. Only certain offenders convicted after 1991 are required to register. About 1,150 of those registered so far are additionally subject to the 1995 revised registration and public notice requirements, which affect only those convicted after August 31, 1995.

In addition to the 12,200 offenders who were free and subject to registration requirements, another 14,900 sex offenders were in state prisons or jails in mid-1996. Some, but not all, of these offenders eventually will have to meet registration requirements, depending on their conviction dates.

Some sex offenders whose victims were children under age 17 are subject to public notification requirements. More than half the offenders registered in Texas since September 1995 had committed crimes involving child victims, a review of preliminary DPS statistics indicates.

Some of the state's sex offenders are themselves juveniles, meaning they are under the age of 17 and usually not subject to the adult criminal justice system. Juvenile sex offenders are subject to the registration but not the public notification requirements. About 1,580 juveniles were referred to local probation departments for sex crimes in 1995, and about 169 juveniles were committed to confinement in Texas Youth Commission facilities as a result of a sexual offense, according to the Texas Juvenile Probation Commission.

Federal law, other states

Federal law requires states to set up a sex offender registry system by 1997 or else lose some federal crime-fighting funds. In May 1996 Congress amended the law to require states to disclose "relevant information that is necessary to protect the public" about sex offenders who are in the registry. This amendment was called "Megan's Law," after a New Jersey child sex-crime victim. ("Megan's Law" also identifies New Jersey's sex offender registration and notification law.) Texas law meets the federal requirements.

All states except Massachusetts require sex offenders to register their whereabouts with law enforcement authorities, according to the National Conference of State Legislatures (NCSL). Some states have also implemented laws requiring public notification of sex offenders' whereabouts: 13, including Texas, require active notification of the general public, such as by newspaper publication; eight require more narrow notification, such as sending notices to schools; and 11 *allow* public access to a sex offender registry but do not require active notification, according to the NCSL.

Texas law

Sex offenders in Texas are returned to the community after criminal justice dispositions that include:

- ◆ Release from a state prison or jail after completing a sentence.
- ◆ Release from a state prison or jail on parole.
- ◆ Conviction followed by placement on community supervision (probation).
- ◆ Deferment of adjudication by a court. Deferred adjudication allows a defendant to plead guilty or nolo contendere (no contest) to a crime and, instead of being convicted, be placed on probation. If the defendant complies with the probation conditions, the charges are dismissed, and the defendant has no record of a conviction.

In 1991 Texas began requiring some sex offenders to register with local law enforcement authorities, and 1995 amendments to that law (SB

267 by Shapiro et al.) required public notification of the whereabouts of some sex offenders.

DPS publishes a handbook on sex offender registration and notification. The handbook outlines the statute and includes sample forms and procedures for registering offenders, passing along offender information, publishing offender information and changing offenders' addresses.

Sex offenses requiring registration

Both adult offenders and juveniles are subject to the registration law if they are convicted of, or receive deferred adjudication for, the offenses listed below. Registration for the first group of offenses and fourth convictions for indecent exposure were required in 1991; the rest were added by the 1995 amendments.

- ◆ Indecency with a child, sexual assault, aggravated sexual assault, prohibited sexual conduct (incest), sexual performance by a child or possession or promotion of child pornography.
- ◆ Convictions (but not deferred adjudication) for second offenses for indecent exposure. (The 1991 law applied to *fourth* convictions.)
- ◆ Aggravated kidnapping, if committed with the intent to violate or abuse the victim sexually.
- ◆ First-degree burglary, if committed with the intent to commit indecency with a child, sexual assault, aggravated sexual assault, prohibited sexual conduct or aggravated kidnapping with intent to violate or abuse the victim sexually.
- ◆ Criminal attempt, conspiracy or solicitation of any other offenses, except indecent exposure, that would subject a person to registration.
- ◆ Convictions under other states' laws for offenses similar to those requiring registration in Texas.

The 1995 amendments apply only to persons convicted or given deferred adjudication on or after September 1, 1995. Cases adjudicated before that date but after the 1991 registration law took effect are covered under the 1991 registration requirements. Cases adjudicated before the 1991 law took effect are not subject to registration or notification requirements. It is a Class A misdemeanor to fail to register, and repeat offenses are a third-degree felony.

Distributing sex offender data

Offenders must report to local law enforcement officials and verify their registration information and correct any incorrect information within seven days of arriving in a locality where they will stay for seven days or longer and upon any change of address. Since 1995 prison officials or other court or criminal justice officials have been responsible for supplying initial registration information to local authorities and for informing offenders of the registration requirements. Prison officials must complete a DPS-provided registration form and obtain a photograph and the fingerprints of an offender who will be released from prison and forward the information to the DPS and local law enforcement.

Courts have to ensure that offenders who are given community supervision (probation) or deferred adjudication or who receive only a fine know about the registration requirements and that their initial registration is conducted by either a community supervision and corrections department representative or another designated person.

Registration forms must include the offender's name, date of birth, physical description, and other identifying information such as driver's license and Social Security number. The 1995 revisions added requirements for the age of the victim and the offender's shoe size, photograph and fingerprints.

An offender who fails to move to the address on the registration form must provide a temporary address and report to parole or probation officers weekly. The law also establishes rules and timetables to follow so local law enforcement and

probation or parole officers are notified of the offender's change of address and requires local law enforcement authorities to forward information to the DPS.

Public notification

If a sex offender's victim was younger than age 17, additional requirements are imposed. When local law enforcement authorities verify that a victim was younger than 17, they must immediately publish in a local newspaper a notice of the offender's whereabouts. The notice, in both English and Spanish, must be republished a week later. The notice must identify the offender by age and gender, briefly describe the offense and list the city, street and postal zip code where the person intends to live.

Publishing a notice is *not* required, even if the offense was against a young victim, in three instances:

- ◆ the offender was a juvenile;
- ◆ the offense was prohibited sexual conduct (incest); or
- ◆ the offender was given deferred adjudication.

Under all circumstances when victims are under 17 years of age — even if ,

newspaper publication is not required — local law enforcement authorities must immediately notify the public school superintendent in the school district where an offender who had a child victim intends to live. The notice must include any information necessary to protect the public but may not include the offender's Social Security number, driver's license number, telephone number or any information that would identify the *victim*.

Federal law governs state offender registration plans

The federal Violent Crime Control and Law Enforcement Act of 1994 required states to set up a sex offender registry and allowed states to release "relevant information" if they deem it necessary. In May 1996 the "Megan's Law" amendments to the law *required* states to disclose "relevant information that is necessary to protect the public" about sex offenders in a registry. The law does not specify how the information is to be disclosed, leaving states free to design their own disclosure policies. States that fail to comply with the requirements could lose federal crime-fighting grants. Texas is in compliance with the law, according to a DPS representative.

Other proposed changes to federal law include separate proposals by Texas Sen. Phil Gramm and U.S. Rep. Martin Frost of Dallas to set up a national sex offender registration system managed by the FBI. The system would track offenders interstate and intrastate. The FBI would notify local law enforcement authorities or ensure that they were notified when a sex offender moved into their jurisdiction, and local law enforcement authorities would have access to the database. President Clinton has endorsed the concept of a national registration system.

While offenders' names are not included in the published notices, they are listed in the DPS database which was made public information in the 1995 amendments. Database information must be released by local law enforcement to the public upon written request. The database also lists an offender's age, sex, race and height. Local law enforcement may not, however, release an offender's Social Security, driver's license or phone numbers, photograph, numeric street address and any information that would identify the victim.

The registration law allows a person who is subject to registration to petition a district court for an injunction to stop publication of a newspaper notice. After a hearing a court may grant any injunctive relief, including stopping the publication, if the person proves that the publication would place the person's health and well-being in immediate danger.

Judges who grant community supervision to a person who is required to register must make registration a condition of probation and require the person to pay a fee for the cost of the newspaper notice. Parolees also are required by the law to pay for notices regarding their whereabouts, and probation and parole officers are supposed to collect the fees from offenders under their supervision.

Morales opinion on confidentiality

Much of the information in an offender's registration file is public record, even if the offender is a juvenile, the attorney general has decided. Law enforcement and school district officials must honor written requests for information that has been declared public record. In May 1996 Attorney General Dan Morales, in Open Records Decision No. 645, declared as public information all data in adult and juvenile sex offenders' registration forms, except for offender photographs, Social Security numbers, driver's license numbers, numeric street addresses, telephone numbers and any information that would directly identify the victim.

Morales said registration information must be released even if it could be used to obtain other information, such as court records, that could identify the victim. Only information *directly identifying* the victim is confidential, he ruled.

Morales also ruled that information about registered sex offenders must be released even if the offender is a juvenile. The registration law was enacted later than Family Code provisions requiring confidentiality of some juvenile records, and it prevails over confidentiality provisions, he said.

Registration period

The 74th Legislature extended the length of time during which sex offender registration is required in HB 1379 by Allen, Greenberg, et al. In general, offenders have to register for 10 years after their state supervision ends for some offenses, and for their entire lives if they commit one of the more serious offenses.


For persons convicted of indecency with a child involving sexual contact, aggravated sexual assault or sexual performance by a child, there is no expiration of the duty to register. For all other sex offenses the duty to register with local law enforcement authorities lasts until the 10th anniversary of the date the offender is released from prison, probation or parole, whichever is later, or 10 years after criminal proceedings have been dismissed in the case of deferred adjudication.

For persons who commit offenses while juveniles, the duty to register lasts until the 10th anniversary of the date the person is released from the Texas Youth Commission (TYC) or the Texas Department of Criminal Justice, if the person was transferred to the adult system, or the juvenile completes any other disposition made in the case.

Central database

DPS is required to maintain a computerized central database containing only sex offender registration information. Information in the database is public information, except for the offender's photograph, Social Security number, driver's license number, numeric street address, telephone number and information that would identify a victim. DPS, a penal institution and local law enforcement officials may release any of the registration information that is public information. DPS is also required to maintain in its computerized criminal history system information on whether an offender is required to register.

Sample sex offender registration form

NOTIFYING AGENCY			Texas Department of Public Safety				REGISTERING AGENCY ORI																						
DOCKET NO.			SEX OFFENDER REGISTRATION				TX SID NO.																						
CAUSE NO.			<input type="checkbox"/> JUVENILE		DATE OF NOTIFICATION: / /		FBI NO.																						
1. LAST NAME OF REGISTRANT			FIRST		FULL MIDDLE		2. REGISTRATION DATE		<input type="checkbox"/> REGISTRATION VERIFIED & COMPLETED		<input type="checkbox"/> FOR PUBLIC NOTIFICATION																		
3. DATE OF BIRTH		4. RACE		5. SEX		6. PLACE OF BIRTH		7. HT		8. WT		9. HAIR		10. EYE		11. SHOE SIZE		12. SHOE WIDTH		13. SCARS, MARKS, TATTOOS									
/ /				<input type="checkbox"/> M <input type="checkbox"/> F																									
14. OTHER NAMES USED (include nicknames):										15. BLOOD TYPE (circle one)																			
										A+ A- B+ B- UNK AB+ AB- O+ O-																			
16. SOCIAL SECURITY NUMBER:				17. DRIVER LIC/ID NO./ST				18. VEHICLE LICENSE NO./ST				19. YEAR		20. MAKE		21. MODEL		22. COLOR											
23. REGISTRANT'S HOME ADDRESS				APT.				CITY				COUNTY		ZIP		24. HOME TELEPHONE NO.													
25. INDICATE CHARGE(S) CONVICTED/ADJUDICATED			VICTIM(S) (CHECK)		AGE		DATE CONVICTED/ADJUDICATED		PUNISHMENT RECEIVED																				
<input type="checkbox"/> INDECENCY WITH A CHILD 21.11 PC			<input type="checkbox"/> M <input type="checkbox"/> F																										
<input type="checkbox"/> SEXUAL ASSAULT 22.011 PC			<input type="checkbox"/> M <input type="checkbox"/> F																										
<input type="checkbox"/> AGGRAVATED SEXUAL ASSAULT 22.021 PC			<input type="checkbox"/> M <input type="checkbox"/> F																										
<input type="checkbox"/> PROHIBITED SEXUAL CONDUCT 25.02 PC			<input type="checkbox"/> M <input type="checkbox"/> F																										
<input type="checkbox"/> INDECENT EXPOSURE (2nd conviction) 21.08 PC			<input type="checkbox"/> M <input type="checkbox"/> F																										
<input type="checkbox"/> SEXUAL PERFORMANCE/CHILD 43.25 PC			<input type="checkbox"/> M <input type="checkbox"/> F																										
<input type="checkbox"/> POSS/PROMOTE CHILD PORNOGRAPHY 43.26 PC			<input type="checkbox"/> M <input type="checkbox"/> F																										
<input type="checkbox"/> AGG KIDNAPPING/SEXUAL 20.04(a)(4) PC			<input type="checkbox"/> M <input type="checkbox"/> F																										
<input type="checkbox"/> BURGLARY/SEXUAL 30.02(d) PC			<input type="checkbox"/> M <input type="checkbox"/> F																										
<input type="checkbox"/> ATTEMPT/CONSPIRACY/SOLICIT ANY OF ABOVE 15 PC			<input type="checkbox"/> M <input type="checkbox"/> F																										
26. OCCUPATION:						27. NAME OF EMPLOYER						CITY/TOWN																	
28. NAME OF NEAREST RELATIVE						ADDRESS						CITY						COUNTY OR STATE						ZIP					
29. THOROUGHLY REVIEW THE INFORMATION PROVIDED PRIOR TO SIGNING THIS FORM. TEXAS CRIMINAL LAW 37.10 PC DEFINES THE MAKING OF FALSE ENTRIES IN A GOVERNMENTAL RECORD AS A CLASS A MISDEMEANOR OR AS A 3RD DEGREE FELONY. ANYONE WHO GIVES FALSE INFORMATION ON THIS FORM COULD BE SUBJECT TO PROSECUTION.												30. <input type="checkbox"/> PROBATION OFFICER <input type="checkbox"/> PAROLE OFFICER																	
<input type="checkbox"/> SIGNATURE OF REGISTRANT _____												PRINTED NAME:																	
												31. SIGNATURE OF CHIEF OF POLICE, SHERIFF OR DESIGNEE																	
32. REGISTERING AGENCY'S COMMENTS												IN ACCORDANCE WITH ARTICLE 6252-13c.1, REVISED STATUTES, MAIL THE WHITE COPY OF THIS FORM ALONG WITH THE REGISTRANT'S PHOTOGRAPH AND A COMPLETE SET OF FINGERPRINTS TO: CRIMINAL INTELLIGENCE SERVICE TEXAS DEPARTMENT OF PUBLIC SAFETY PO BOX 4087 AUSTIN TX 78773-0001																	
33. REGISTERING AGENCY						34. AGENCY TELEPHONE NUMBER																							
WHITE COPY — DPS				CANARY COPY — REGISTERING AGENCY				PINK COPY — NOTIFYING AGENCY				INT-10 (Rev. 7/95)																	

(From 1996 Guide to Texas Sex Offender Notification and Registration Program, Title 110, Revised Statutes, art. 6252-13c.1. Texas Department of Public Safety, Criminal Law Enforcement Division, Criminal Intelligence Service. Austin, Texas.)

Sample newspaper notice published under sex offender notification law

San Antonio Express-News
July 8, 1996, page 8D

Houston Chronicle
May 17, 1996, page 12E

NEED EXTRA CASH?
SELL IT TODAY!
EXPRESS-NEWS
CLASSIFIED
250-2345

LEGALS

850

LEGALS

850

NOTICE TO THE PUBLIC

La Estancia Apartments, L.P., is making an Application with the Low-Income Housing Tax Credit Section of the Texas Department of Housing and Community Affairs for the La Estancia Apartments located off Callaghan Road just South of Culebra Drive in San Antonio, Texas. This quadruplex garden apartment development will be a one (1) story, affordable family apartment community comprised of 250 Units which will target tenants with incomes of less than 60% of the area median income per year. There are no rental subsidies. For more information about this affordable apartment home development, please contact Michael Robinson, 4900 Woodway Drive, Suite 880, Houston, Texas 77056 (713) 850-7168 or (713) 621-9166 (Facsimile).

THE FOLLOWING list consist of sex offenders registered by the San Antonio Police Department, for Public Notification. The list is required to be printed under the following legislative act:

Texas State Senate Bill No. 267, (enacted by the 74th regular legislative session) Section 3, Article 6252-13c.1 Sex offenders:
Male, age 17, Ind. With a Child, Vict/Sex = F, Brettonwood, 78218. Def. Anna Zuniga No. 2111 Homicide/Sex Crimes - 207-2313

San Antonio Police Dept.

La siguiente lista contiene nombres de personas registradas en el Departamento de Policia como personas culpables de delitos sexuales. Esta lista es publicada bajo las leyes estatales del Texas State Senate Bid No. 267, Sesion Legislativa No. 74, Seccion 3, Articulo 6252-13c.1. Culpables de Delitos Sexuales:
Hombre, 17 anos, Ind. with a Child, Vict/Sex F, Brettonwood, 78218

Departamento de Delitos Sexuales
Departamento de Policia de San Antonio

PURCHASING AND BIDDING NOTICE: CYPRESS FAIRBANKS INDEPENDENT SCHOOL DISTRICT DISTRIBUTION CENTER, 12510 WINDFERN ROAD, HOUSTON TEXAS 77064-3108 will be received at the above address, at which time they will be publicly opened and read. Bid forms and specifications may be obtained by calling (713) 897-3848.

SEALED PROPOSALS, WILL BE RECEIVED BY LEN WASKA, PURCHASING MANAGER, PORT OF HOUSTON AUTHORITY EXECUTIVE OFFICE BUILDING, 111 EAST LOOP NORTH, HOUSTON, TEXAS 77029 UNTIL 5:00 P.M., ON WEDNESDAY, JUNE 5, 1996 FOR THE FOLLOWING:
1. PERFORMANCE AUDIT
OBTAIN COPIES OF THE SPECIFICATIONS FROM THE PURCHASING MANAGER, PORT OF HOUSTON AUTHORITY EXECUTIVE OFFICE BUILDING, 111 EAST LOOP NORTH, HOUSTON, TEXAS. L. K. WASKA, PURCHASING MANAGER

SEALED PROPOSALS, WILL BE RECEIVED BY LEN WASKA, PURCHASING MANAGER, PORT OF HOUSTON AUTHORITY EXECUTIVE OFFICE BUILDING, 111 EAST LOOP NORTH, HOUSTON, TEXAS 77029 UNTIL 1:30 P.M., ON WEDNESDAY, MAY 22, 1996 FOR THE FOLLOWING:
1. PERSONAL COMPUTER SUPPORT SERVICES AND LOCAL AREA NETWORK SUPPORT SERVICES
OBTAIN COPIES OF THE SPECIFICATIONS FROM THE PURCHASING MANAGER, PORT OF HOUSTON AUTHORITY EXECUTIVE OFFICE BUILDING, 111 EAST LOOP NORTH, HOUSTON, TEXAS. L. K. WASKA, PURCHASING MANAGER

The Humble Independent School District is accepting bids on a Humble High School Drainage project until 2:00 P.M., Friday, May 31, 1996, at the Maintenance Center, 1703 Wilson Road, Humble, Texas 77338 (Key Map location 376A). Bidding documents may be obtained for a deposit of \$50.00 each (certified, cashier's or business banking account check) from Joiner Partnership, Inc., Two Kingwood Place #265, Kingwood, TX 77339, telephone (713) 359-6401. Bidder's bond, certified or cashier's check in an amount equal to five percent (5%) of the total bid amount must accompany each proposal. If applicable, the successful bidder must furnish Statutory bonding.

1745 LEGAL NOTICES

NOTICE OF AN APPLICATION FOR RENEWAL OF AUTHORITY TO ADOPT STANDBY FEES

Pursuant to section 49.231 of the Texas Water Code, 30 Texas Administrative Code Section 293.141-293.152, and under the procedural rules of the Texas Natural Resource Conservation Commission, HUNTERWOOD MUNICIPAL UTILITY DISTRICT OF HARRIS COUNTY (the District) has applied to the Texas Natural Resource Conservation Commission (TNRCC) for renewal of the authority to adopt and impose standby fees on undeveloped property in the District for a three-year period beginning in 1996 and ending in 1999. The application has been received

instruments necessary to carry out the foregoing, it is ORDERED that: (a) All of the rights, title or interest in the personal property, and cash identified in count five of 'A' attached as Exhibit 'A', is condemned and forfeited to the United States General, or their authorized designees shall dispose of the forfeit accordance with law; (c) The forfeited property shall be held by the U.S. pending the signing of a final order of forfeiture or further order of the 853(n), the United States shall: (i) directly notify all persons and entities who have an interest in the property; and (ii) publish in a newspaper of general circulation this Order, the intent of the United States to dispose of the forfeited property and the Court within 30 days of the final publication of the whichever is earlier. Upon adjudication of all third party claims, the Court pursuant to 18 U.S.C. 1982, 21 U.S.C. 853(n) and Fed. R. Crim. of April, 1996, at Houston, Texas. /s/ NORMAN BLACK, UNITED STATES PROVED AS TO FORM AND SUBSTANCE: /s/ Kirā Anne West, As: Nada Makdissi, Counsel for Mohammad N. Ashraf. /s/ Mohammad A: currency and one gold coin, collectively valued in the approximate amount of \$53,100.00 found in a safety deposit box #01164 14600 Katy Freeway, Houston, Texas. 3. United States currency and one approximate amount of \$15,976.00 found in a briefcase belonging to She Nasim Ashraf at the time of his arrest. 5. United States currency in the found on the person of Mohammad Nasim Ashraf at the time of his arrest. 6. \$589.92 in cash found in a safety deposit box #5740 located in the name of Shafiqe Mahmood. 7. One 1995 BMW M3 automobile WBSBF9329SEH0376, bearing Texas license plate number PYG289, an Ashraf. 8. Two computer systems found at the home of Shafiqe Mahmood taken of Mohammad Nasim Ashraf at the time of his arrest approximate amount of \$29,700 found in safety deposit box #5740 located in Houston, Texas. 11. United States currency in the approximate amount of \$292 located at Nations Bank, 4066 Westheimer, Houston, Tex

PUBLIC NOTICE

In compliance with Article 6252-13C. 1, Revised Statutes, the following information on persons registering as sex offenders in the city of Houston, is hereby published by the Houston Police Department.

- Registrations for the week of May 8-14, 1996
1. Male, 59, Thistlewood, St. 77079, Indecency with a Child
 2. Male, 36, Calhoun, 77002, Indecency with a Child
 3. Male, 27, Belfort, 77099, Indecent Exposure
 4. Male, 55, Moss Rose, 77087, Indecency with a Child
 5. Male, 27, Sheffield, 77015, Indecency with a Child
 6. Male, 49, Kinney, 77087, Sexual Assault of a Child
 7. Male, 22, Woodridge, 77087, Aggravated Sexual Assault of a Child
- De Acuerdo con Articulo 6252-13C.1, la siguiente informacion se debera publicar. Culpables de Delitos Sexuales.
- Registros por Mayo 8-14, 1996
1. Hombre, 59, Thistlewood, 77079, Indecencia con un nino
 2. Hombre, 36, Calhoun, 77002, Indecencia con un nino
 3. Hombre, 27, Belfort, 77061, Exhibicion Indecante
 4. Hombre, 55, Moss Rose, 77087, Indecencia con un nino
 5. Hombre, 27, Sheffield, 77015, Indecencia con un nino
 6. Hombre, 49, Kinney, 77087, Asalto Sexual / Nino
 7. Hombre, 22, Woodridge, 77087, Asalto Sexual Aggravado / Nino

PUBLIC NOTICE

In compliance with Article 6252-13C. 1, Revised Statutes, the following information on persons registering as sex offenders in the city of Houston, is hereby published by the Houston Police Department.

- Registrations for September 1995
1. Male, 54, Canfield St, 77004, Indecency with a Child
 2. Male, 34, Catamore, 77076, Aggravated Sexual Assault of a Child
 3. Male, 26, Hollyview, 77091, Aggravated Sexual Assault of a Child
 4. Male, 37, Lanewood, 77022, Aggravated Sexual Assault of a Child
 5. Male, 23, Renwick, 77081, Indecency with a Child
 6. Male, 37, Wuthering Heights, 77045, Aggravated Sexual Assault of a Child
 7. Male, 22, Valley Forge, 77042, Aggravated Sexual Assault of a Child
- Registrations for October 1995
1. Male, 41, Kenbriar, Missouri City, 77489, Aggravated Sexual Assault of a Child
 2. Male, 29, Deams, 77093, Aggravated Sexual Assault of a Child
 3. Male, 19, Blankenship, 77080, Aggravated Sexual Assault of a Child
 4. Male, 81, Old Brickhouse Rd., 77041, Sexual Assault of a Child
- De Acuerdo con Articulo 6252-13C.1, la siguiente informacion se debera publicar. Culpables de Delitos Sexuales.
- Registros por Septiembre, 1995
1. Hombre, 54, Canfield St., 77004, Indecencia Con un Nino
 2. Hombre, 34, Catamore, 77076, Asalto Sexual Aggravado/Nino
 3. Hombre, 26, Hollyview, 77091, Asalto Sexual Aggravado/Nino
 4. Hombre, 37, Lanewood, 77022, Asalto Sexual Aggravado/Nino
 5. Hombre, 23, Renwick, 77081, Indecencia Con un Nino
 6. Hombre, 37, Wuthering Heights, 77045, Asalto Sexual Aggravado/Nino
 7. Hombre 22, Valley Forge, 77042, Asalto Sexual Aggravado/Nino

Legal Notice

The law firm of Keck, Mahin & Cate hereby establishes and publishes notice that it converted, effective May 1, 1996, from a partnership including professional corporations to a partnership composed of professional corporations as detailed below.

The following attorneys, who were capital partners in Keck, Mahin & Cate, are now employees of professional corporations that are capital partners in the law firm of Keck, Mahin & Cate effective as of May 1, 1996:

Stephen L. Agin, Robert E. Arroyo, James W. Ashley, Jr., John R. F. Baer, R. Clay Bennett, Christopher A. Bloom, Keith J. Braskich, Wil-

HEALTH SYSTEM

CLASIFICACION

MENT

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July 17, 1996

11:00 a.m.

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Hospital

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ounter (first floor)

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BY July 15, 1996

be validated

BLIC NOTICE

Registration and notification support

Supporters of the Texas law say certain types of sex offenders are likely to repeat their crimes and that communities need to be alerted to the presence of these offenders. The need for community safety overrides any privacy interests of convicted offenders they argue. The law helps in the investigation of sex crimes and gives law enforcement legal grounds to hold sex offenders suspected of a crime, they say.

The constitutionality of New Jersey's registration and notification law was upheld by a federal district court in July 1996 when the court likened the notices to public safety measures such as "wanted" posters for fugitives, supporters say.

Texas offenders are not named in published notices, and only partial addresses are published, which prevents vigilantism and harassment, supporters of the law say. Citizens who ask for it can get additional information, but not the offender's photograph, numeric street address or telephone number or information that would identify the victim. Ample additional safeguards are provided, including allowing for a court injunction to stop publication when necessary, they say.

Registration and notification criticism

Sex offender registration and notification infringes on the constitutional right to privacy, impedes rehabilitation of those who have paid their debt to society and can hurt victims, opponents argue. All the attention paid to sex offenders may be unwarranted as some studies show sex offenders to have lower recidivism rates than other criminals, some argue. Critics say community notification may amount to punishment *after* an offender's sentence has been served, which is in effect an increased penalty. These requirements impose an unnecessary burden on rehabilitated offenders, may lead to vigilante violence and harassment and do little to stop those intent on reoffending, opponents argue.

Since sex offenders do not commit crimes just in their own neighborhoods, publication notification can promote a false sense of security for communities. Only a fraction of offenders will be identified since many sex offenses are never reported and many others do not result in convictions. Also, the law focuses attention on strangers when many children are in greater danger

of being harmed by family members or friends, critics say.

Are amendments needed?

Law enforcement authorities, school districts, private citizens, civil rights advocates, offenders and others with concerns about the sex offender notification law have raised questions about its implementation and the need for possible amendments. Some of these questions, and views expressed on both sides, are summarized below.

Should newspaper notices give more details?

Yes:

The information about sex offenders that is published in the newspapers is not specific enough. Such vague data does little to help the public and can lead to needless fears and groundless suspicions. Merely listing a street on which a sex offender lives does not help identify the offender and can hurt innocent people who fit the general description of the offender and live on the street.

Problems of vagueness and inaccuracy in the public notices already have been noted. A *Dallas Morning News* analysis of public notices about 12 registered sex offenders found two offenders were not living on the streets listed and two offenders living on such long, populated streets that they could not be located. Notification should include the name and numeric address of the offender. The state should not depend on citizens to request additional information from law enforcement authorities. Publishing offenders' names might deter them from committing another sex offense.

The law not only lets authorities withhold names in publication notices but also does not require *any* notices to the public about certain offenders. For example, public notification is not required in cases of incest even though these offenders might be a danger to other children, in cases of offenders whose victims were adults, offenders who received deferred adjudication and juvenile offenders.

No:

The law requires the notices to contain enough information for the public to protect itself and raises awareness about sex offenders' whereabouts

but also respects the privacy and due process rights of the individuals identified. Disclosing additional information could lead to vigilantism or the easy identification of victims. Citizens who want additional information need only make a request to law enforcement authorities. Releasing more detailed information would be especially unfair to those sex offenders who are rehabilitated and will not commit another offense.

Should the law be more specific about how to publish notices?

Yes:

The sex offender registration law says only that under certain circumstances police must publish a notice of a registered sex offender's whereabouts in a newspaper of general circulation. This is too vague. Some police departments are running the notices under the "public announcement" sections in the classified ads where they are lost among notices for foreclosed property and other legal notices. Most citizens never see the classified ads and some rarely even read newspapers.

Making the announcements hard to find and understand defeats one of the main purposes of the law: to alert the public so it can protect children. The law should require that the public notices be published in an easily seen part of the newspaper and that the type be large enough to be noticed. The information also should be distributed through such outlets as community center and shopping center bulletin boards.

The *Dallas Morning News* analysis of the cases of 12 sex offenders who were subject to the registration and public notification law found that persons living and working near the registered offenders — including neighbors and child care workers — did not know the offenders were in the neighborhood.

No:

The statute should not dictate to police departments every detail of publishing the notices. These decisions are better made at the local level where the public's right to know can be balanced with the rights of offenders. Requiring large, prominent notices or flyers distributed in neighborhoods could be counterproductive and cause panic over the presence of sex offenders who have

been placed on probation by a court, released by the parole board or released after having served a prison sentence. The public must take the responsibility to protect itself. The published notices about sex offenders are not hard to find.

Should the state clarify who pays for the newspaper announcements?

Yes:

Local police departments too often wind up bearing the cost of placing the ads announcing that sex offenders are residing in the community. While the law specifies that offenders on parole or probation must pay for ads relating to their whereabouts, it says nothing about who pays for notices regarding sex offenders who have completed a prison sentence. As a practical matter in most cases local police departments pay for publication, then try and recoup the money from offenders. These offenders often have few resources and financial obligations such as fines, restitution payments and child support. The police are too often left paying the bill.

The newspaper notices can be expensive. Each notice must be published twice and republished if an offender moves or relocates for more than seven days. Some departments are paying \$200 or more per offender to publish the notices. Since the state mandates publication, the state should assure that the cost is covered. A state funding pool, possibly from fees charged to offenders, might help.

No:

The current law gives law enforcement authorities, probation and parole officers and offenders the necessary flexibility to work out the best, most expedient arrangements. The state should leave this local control provision intact.

Do school districts need more specific information and instructions?

Yes:

The statute should specify what information must be passed on to school districts by police. Currently, police are required to give school superintendents "any information necessary to

protect the public" except the offender's Social Security, driver's license or telephone number, or information that would identify the victim. Because the statute is not specific, law enforcement authorities have developed varying local policies, leading to confusion.

The law does not specify what school districts are supposed to do with sex offender information. School superintendents are unsure of their responsibilities and have developed varying policies. For example, some districts reportedly are sending sex-offender notices home with children, some are passing information on to school principals, teachers or security personnel, who then decide about passing it on, and at least one district makes a list describing sex offenders available upon request. The information released varies. Parents often do not know their district's policy or if changes are made to that policy. The state should have a consistent statewide policy about distribution of information. Otherwise, the district's supposed immunity from liability, while included in the law, may be clouded.

No:

The sex offender registration law rightfully gives discretion to police in passing along information to school superintendents and to superintendents in acting on that information. These decisions are best made on a local level. Local police and school district officials are in the best position to weigh the danger to children and to make decisions about passing on sex offender information and notifying parents.

School districts and law enforcement need nothing more than the attorney general's May 1996 open records decision to guide them. The decision specifies what information is public and what is not and concludes that districts must release and withhold information accordingly. Social security numbers, driver's license numbers, numeric street addresses, telephone numbers and any information that would identify the victim is not public information.

Law enforcement departments and school districts should not be concerned about liability because the statute gives individuals, agencies, entities or authorities liability protection. In addition, other parts of the statutes give immunity to school district employees and others for acts performed as part of their duties.

Should the law more fully shield juvenile offenders?

Yes:

Allowing disclosure of juvenile offenders' names is unfair to youths, whose records are generally kept confidential, and blurs the distinction Texas maintains between the juvenile and adult justice systems. Making juvenile sex offenders' registration forms, including their names, available on request violates the entire purpose of having a special body of law governing juvenile wrongdoers and offering them a fresh start.

It is unfair for the law to require revealing the names of young offenders who were convicted of having sex with another person under 17. These juveniles could be branded as sex criminals on the basis of youthful consensual sexual experimentation.

No:

The current law adequately balances the public's right to know about juvenile offenders with concerns about juveniles' privacy and lets law enforcement track these young offenders as they grow older. Juvenile offenders are excluded from the public-notice requirements but are required to register with police — and, according to the Attorney General, their registration information must be released by police upon request. The public has a right to information about juvenile sex offenders just as it does about adult sex offenders. Having their names revealed to those who request the information is part of the price juvenile sex offenders must pay.

Should the law do more to shield the identify of crime victims?

Yes:

Victims of sex crimes should be protected by prohibiting the release of information that can be used to identify them. Although the statute prohibits the release of information that would identify a victim, other information that can be requested from police, such as criminal case numbers, can lead indirectly to revealing a victim's identity. Victims have often been traumatized and should not have to endure additional harm from being identified publicly. Publicity may be especially harmful to incest victims, who often can

be identified through the release of information to school superintendents and to persons who make requests of local law enforcement.

No:

The law already balances the public's need to know about offenders with victims' right to privacy by prohibiting the release of information that would identify the victim of an offense. The attorney general has said that information that on its face would directly reveal the victim's identity cannot be released to school superintendents or to persons who make requests from local law enforcement. However, information cannot be withheld just because it could be used to get other information that may identify the victim, according to the May 1996 open records opinion.

Incest victims already are given special protection by omitting publication requirements in these cases. But requiring the perpetrators to register with local law enforcement officers, so police know their whereabouts, is necessary for public safety. The law also requires police to pass along information about these offenders to school superintendents and requires police to release information about these offenders upon request.

Other issues

Other suggested changes to the sex offender registration and notification include:

- ◆ subjecting offenders other than those whose victims were children to public notice requirements;

- ◆ including private schools in the provisions for notifying school districts about offenders whose victims were children;
- ◆ increasing the penalties for failing to register;
- ◆ creating a new sentencing scheme that would allow sex offenders to be kept under supervision by state or local officials after they complete their sentences;
- ◆ prohibiting school districts from releasing information given to them by law enforcement authorities;
- ◆ expanding publication requirements to include use of flyers, posters, door-to-door notifications or other means;
- ◆ providing law enforcement authorities with assistance such as computers or funding for registration and notification programs;
- ◆ setting up a statewide database of registered sex offenders that Texans can monitor through the telephone or by computer that could be a part of a proposed national database kept by the FBI so offenders could be tracked from state to state; and
- ◆ making the law retroactive to apply to offenses committed before 1991.

— By Kellie Dworaczyk



House Research Organization

Texas House of Representatives
Capitol Extension
Room E2.180



P.O. Box 2910
Austin, Texas 78768-2910
(512) 463-0752
FAX (512) 463-1962

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