

TEXAS SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

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NUMBER OF REGISTERED SEX OFFENDERS

38,627 as of March 21, 2003.

1. WHO IS REQUIRED TO REGISTER?

A person with a reportable conviction or adjudication must register. Offenders may also be required to register as a condition of parole, release to mandatory supervision, or community supervision.

(Tex. Crim. Proc. Code Ann. § 62.02(a))

2. WHAT DOES “REPORTABLE CONVICTION OR ADJUDICATION” MEAN?

“Reportable conviction or adjudication” means:

- (1) a conviction for:
 - (a) indecency with a minor;
 - (b) sexual assault;
 - (c) aggravated sexual assault;
 - (d) prohibited sexual conduct;
 - (e) compelling prostitution;
 - (f) sexual performance by a minor;
 - (g) possession or promotion of child pornography;
 - (h) aggravated kidnapping, if the offender committed the offense with the intent to violate or abuse the victim sexually;
 - (i) first-degree burglary, if the offender committed the offense with the intent to commit a felony listed in (a) through (h) above;
 - (j) unlawful restraint;
 - (k) aggravated kidnapping; or
 - (l) kidnapping;
- (2) a second conviction for indecent exposure;
- (3) a conviction for an attempt, conspiracy, or solicitation to commit an offense listed in (1) and (2) above;
- (4) an adjudication of delinquent conduct:
 - (a) based on a violation of an offense listed in (1)(a) through (1)(i) above, or an attempt, solicitation, or conspiracy to commit an offense listed in (1)(a) through (1)(i) above;
 - (b) based on a violation of (1)(j) through (1)(l) above, if the victim or intended victim was under 17; or
 - (c) for which two violations of indecent exposure;

- (5) a deferred adjudication for an offense listed in:
 - (a) (1)(a) through (1)(i) above, or an attempt, solicitation, or conspiracy to commit an offense listed in (1)(a) through (1)(i) above; or
 - (b) (1)(j) through (1)(l) above, if the victim or intended victim was under 17;
- (6) a conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in (1)(a) through (1)(l) above, or an attempt, solicitation, or conspiracy to commit an offense similar to one listed in (1)(a) through (1)(l) above;
- (7) an adjudication of delinquent conduct under the laws of another state or federal law based on a violation of an offense containing elements that are substantially similar to the elements of an offense listed in (1)(a) through (1)(l) above, or an attempt, solicitation, or conspiracy to commit an offense similar to one listed in (1)(a) through (1)(l) above;
- (8) the second conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of indecent exposure; or
- (9) the second adjudication of delinquent conduct under the laws of another state or federal law based on a violation of an offense containing elements that are substantially similar to the elements of indecent exposure.

(Tex. Crim. Proc. Code Ann. § 62.01(5))

3. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

A juvenile with a reportable adjudication may be required to register.

(Tex. Crim. Proc. Code Ann. §§ 62.01(H)-(I); § 62.02(a))

A juvenile who has an adjudication of delinquent conduct that would otherwise be reportable does not have a reportable adjudication of delinquent conduct if the juvenile court enters an order excusing him or her from compliance with registration requirements.

(Tex. Crim. Proc. Code Ann. § 62.13(a))

4. WHEN AND WHERE DOES AN OFFENDER REGISTER?

An offender who is required to register must do so with the local law-enforcement authority in any municipality or county where he or she resides or intends to reside for more than seven days. Registration must take place no later than seven days after an offender arrives in a municipality or county.

(Tex. Crim. Proc. Code Ann. § 62.02(a))

An offender who, on at least three occasions during any month, spends more than 48 consecutive hours in a municipality or county in Texas, other than the municipality or county in which he or she is registered, must register with the local law-enforcement authority before the last day of the month.

(Tex. Crim. Proc. Code Ann. § 62.062(a))

If an offender lives in Texas but works or goes to school in another state, he or she must, no later than 10 days after the date on which he or she begins to work or attend school in the other state, register with the law-enforcement authority that is identified by the Department of Public Safety as the authority designated by that state to receive registration information.

(Tex. Code Crim. Proc. § 62.02(g); § 62.03(h)(2))

5. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

The registration form requires the following information:

- (1) the offender's:
 - (a) full name and any aliases used;
 - (b) date of birth;
 - (c) sex;
 - (d) race;
 - (e) height and weight;
 - (f) hair and eye color;
 - (g) social-security number;
 - (h) driver's license number;
 - (i) shoe size;
 - (j) home address;
 - (k) photograph; and
 - (l) a complete set of fingerprints;
- (2) the type of offense for which the offender was convicted;
- (3) the age of the victim;
- (4) the date of conviction and punishment received;
- (5) an indication as to whether the offender is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision; and
- (6) any other information required by the Department of Public Safety.

(Tex. Crim. Proc. Code Ann. § 62.02(b))

6. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

An offender who changes his or her address must report, in person, to the local law-enforcement authority with whom he or she last registered and to the juvenile probation officer, community supervision officer, and corrections department officer, or parole officer supervising him or her, no later than seven days before moving.

(Tex. Crim. Proc. Code Ann. § 62.03(a)(1)(B); § 62.04(a))

An offender who changes his or her address must register, in person, with the new local law-enforcement agency no later than seven days after making the change.

(Tex. Crim. Proc. Code Ann. § 62.03(a)(1)(A); § 62.04(a))

An offender must report to the local law-enforcement authority any change in his or her physical health or job status no later than seven days after the date of the change.

(Tex. Crim. Proc. Code Ann. § 62.05(b))

7. WHAT HAPPENS IF AN OFFENDER MOVES FROM TEXAS TO ANOTHER STATE?

An offender who changes his or her address must report, in person, to the local law-enforcement authority with whom he or she last registered and to the juvenile probation officer, community supervision officer, and corrections department officer, or parole officer supervising him or her, no later than seven days before moving.

(Tex. Crim. Proc. Code Ann. § 62.03(a)(1)(B); § 62.04(a))

An offender who moves from Texas to another state must register with the law-enforcement agency identified by the Texas Department of Public Safety as the agency designated by the new state to receive registration information, no later than 10 days after arriving in the new state.

(Tex. Crim. Proc. Code Ann. § 62.03(a)(1)(C); § 62.04(c))

If an offender moves to another state, the Texas Department of Public Safety must inform the law-enforcement agency that is designated by the other state to receive registration information.

(Tex. Crim. Proc. Code Ann. § 62.04(i))

If an offender intends to live in another state but work or go to school in Texas, he or she must, no later than seven days after the date on which he or she begins work or attends school, register with the local law-enforcement authority in the municipality or county in which he or she intends to work or attend school.

(Tex. Crim. Proc. Code Ann. § 62.03(h)(1))

8. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO TEXAS REQUIRED TO REGISTER?

Out-of-state offenders are required to register upon arriving in a municipality or county in Texas.

(Tex. Crim. Proc. Code Ann. § 62.02(a); § 62.021)

9. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN TEXAS?

An offender who lives in another state but works or goes to school in Texas must register.

(Tex. Crim. Proc. Code Ann. § 62.061)

10. IS REGISTRATION A LIFETIME REQUIREMENT?

The duty to register is a lifetime requirement if the offender has a reportable conviction or adjudication, other than an adjudication of delinquent conduct, for:

- (1) a sexually violent offense;
- (2) prohibited sexual conduct;
- (3) causing by any means a person under 17 to commit prostitution;
- (4) possession or promotion of child pornography;
- (5) exposing any part of the offender's genitals to a person under 17 with the intent to arouse or gratify the sexual desire of any person, if before or after he or she is convicted or adjudicated for the offense, he or she receives another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense that requires registration;
- (6) causing a minor under 17 to expose his or her anus or any part of his or her genitals with the intent to arouse or gratify the sexual desire of any person, if before or after he or she is convicted or adjudicated for the offense, he or she receives another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense that requires registration; or
- (7) unlawful restraint, aggravated kidnapping, or kidnapping, or an attempt, conspiracy, or solicitation to commit unlawful restraint, aggravated kidnapping, or kidnapping, if:
 - (a) the victim or intended victim was under 17; and
 - (b) before or after the offender was convicted or adjudicated for the offense, he or she receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration.

(Tex. Crim. Proc. Code Ann. § 62.12(a))

For all other offenders whose duty to register is based on a conviction or an order of deferred adjudication, the duty to register ends on the 10th anniversary of the date on which the court dismisses the criminal proceedings against him or her and discharges him or her, when he or she is released from a county jail, or when he or she discharges community supervision, whichever is later.

(Tex. Crim. Proc. Code Ann. § 62.12(b)(2))

If an offender's duty to register is based on an adjudication of delinquent conduct, his or her duty to register ends on the 10th anniversary of the date on which the disposition is made or he or she completes the terms of the disposition, whichever is later.

(Tex. Crim. Proc. Code Ann. § 62.12(b)(1))

11. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

An offender commits a second-degree felony if he or she, after commitment as a sexually violent predator but before being released from all requirements of the civil commitment process, fails to comply with registration requirements.

(Tex. Crim. Proc. Code Ann. § 62.101)

12. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

If a victim is under 17 and the basis on which the offender is subject to registration is not an adjudication of delinquent conduct and is not a conviction or a deferred adjudication for a reportable conviction offense, the local law-enforcement agency must immediately publish notice in English and Spanish in the newspaper of greatest paid circulation in the county in which the offender intends to reside or, if there is no newspaper of paid circulation, in the newspaper of greatest general circulation.

(Tex. Crim. Proc. Code Ann. § 62.03(e); § 62.04(f))

The local law-enforcement agency can include only the following information in the newspaper notice:

- (1) the offender's:
 - (a) full name;
 - (b) age; and
 - (c) sex;
- (2) a brief description of the offense for which the offender is subject to registration;
- (3) the municipality, numeric street address or physical address, if a street address is not available, and zip code where the offender intends to reside;
- (4) a recent photograph of the offender or the Internet address of a web site on which the offender's photograph is accessible free-of-charge; and
- (5) the offender's numeric risk level assigned and the general guidelines used to determine risk level.

(Tex. Crim. Proc. Code Ann. § 62.03(f); § 62.04(g))

If a victim is under 17 or the offender is 17 or older and a student enrolled in public or private secondary school, regardless of the basis for his or her registration, the local law-enforcement authority must immediately provide notice to the superintendent of the public school district and to the administrator of any private primary or secondary school located in the public school district in which the offender intends to reside. Notification must be mailed to the office of the superintendent or administrator who, in turn, releases information to appropriate school district personnel.

(Tex. Crim. Proc. Code Ann. § 62.03(e); § 62.04(f))

In the notice provided to a superintendent of a public school district and to the administrator of any primary or secondary school located in the public school district, the local law-enforcement authority must include any information the authority determines is necessary to protect the public, except:

- (1) the offender's:
 - (a) social-security number;
 - (b) driver's license number; and
 - (c) telephone number; and
- (2) any information that would identify the victim of the offense for which the offender is subject to registration.

(Tex. Crim. Proc. Code Ann. § 62.03(g); § 62.04(h))

Written notice of a registered offender's intended residence must be mailed or delivered to at least each residential address within a one-mile radius, in an area that has not been subdivided, or a three-block radius, in an area that has been subdivided. Notice must be provided in English and Spanish and must include any information that is public information.

(Tex. Crim. Proc. Code Ann. §§ 62.045(a)-(b); §§ 62.0451(a)-(b))

With regards to Level-Three offenders, those who pose a serious danger to the community and will continue to engage in criminal sexual conduct, a local law-enforcement authority may provide notice, in English and Spanish, to the public in any manner determined appropriate by the authority, including holding a neighborhood meeting, posting notices in the area where the offender intends to reside, distributing printed notices to area residents, or establishing a specialized local web site. The local law-enforcement authority may include any information that is public information.

(Tex. Crim. Proc. Code Ann. § 62.045(d))

The Department of Public Safety maintains a computerized central database containing information required for registration. Most of the information contained in the database is public information. A photograph of the offender must also be posted on any web site associated with the central database.

(Tex. Crim. Proc. Code Ann. §§ 62.08(a)-(c))

A local law-enforcement authority must release public information to any person who submits a written request for the information.

(Tex. Crim. Proc. Code Ann. § 62.08(d))

13. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

The Texas Department of Public Safety's Crime Records Service maintains a searchable online sex-offender database, available at <http://records.txdps.state.tx.us/soSearch/default.cfm>.

The database can be searched by first and last name, city, or zip code.

Information available includes the offender's:

- (1) name and any aliases;
- (2) date of birth;
- (3) risk level;
- (4) sex;
- (5) race;
- (6) height and weight;
- (7) hair and eye color;
- (8) shoe size;
- (9) photograph, if available;
- (10) date and agency of registration;

- (11) date and agency of last verification;
- (12) current address;
- (13) offense(s) committed;
- (14) victim's sex and age;
- (15) disposition date;
- (16) time served; and
- (17) status.