



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 17, 1996

Mr. Robert J. Miklos  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR96-0965

Dear Mr. Miklos:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39216.

The City of Dallas (the "city") received a request for a list of the sex offenders who reside in a particular Dallas community. You have created two lists and ask whether you must withhold them from the requestor pursuant to section 552.101 of the Government Code. One list contains information about sex offenders for whom a reportable conviction occurred before September 1, 1995. The other list contains information about juvenile sex offenders who were convicted after September 1, 1995.

The Seventy-fourth Legislature amended V.T.C.S. article 6252-13c.1, the statute that pertains to the disclosure of sexual offender registration information. The changes in the law resulting from these amendments do not apply to information that pertains to a reportable conviction or adjudication that occurred before the effective date of the amendments, which date is September 1, 1995. A reportable conviction or adjudication that occurred before September 1, 1995, or an order of deferred adjudication that is entered before that date is covered by the law in effect when the conviction or adjudication occurred or the order was entered.<sup>1</sup> The applicable law here, former section 5(a) of V.T.C.S. article 6252-13c.1, provides that a person who releases sex offender

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<sup>1</sup>See Acts 1995, 74th Leg., R.S., ch. 258, § 16 1995 Tex. Sess. Law Serv. (Vernon) 2197, 2205.

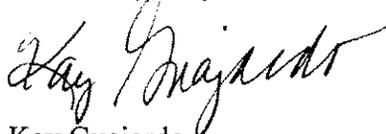
registration information to a person other than a full-time, fully paid, employed law enforcement officer commits a Class B misdemeanor.<sup>2</sup> Thus, we believe the department must not release to the requestor the list that contains information about sex offenders for whom a reportable conviction or adjudication occurred before September 1, 1995.

As for the other list, we conclude that the city must release the list in its entirety. You indicate that the juvenile sex offenders on the second list were convicted after September 1, 1995. As mentioned above, the recent changes to the sex offender registration statute apply only to a reportable conviction or adjudication that occurs on or after September 1, 1995. Therefore, the new law applies to the second list of sex offenders.

Under that new law, all information contained in either an adult's or juvenile's sex offender registration form and subsequently entered into the Department of Public Safety data base is deemed to be public information pursuant to section 5(b) of V.T.C.S. article 6252-13c.1, with the exception of certain information made confidential under section 5(b): the registrant's photograph, social security number, driver's license number, numeric street address, telephone number, and any information that on its face would directly reveal the identity of the victim. *See* Open Records Decision No. 645 (1996); *see also* Open Records Decision No. 644 (1996) (concluding that Family Code sect. 58.007 does not make confidential juvenile law enforcement records relating to conduct that occurs on or after January 1, 1996). None of the information on the second list is made confidential under section 5(b). We therefore conclude that the city must release to the public the second list in accordance with section 5(b) of V.T.C.S. article 6252-13c.1.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

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<sup>2</sup>*See* Act of May 26, 1991, 72d Leg., R.S., ch. 572, § 1, 1991 Tex. Gen Laws 2029,2030, *amended* by Act of May 19, 1995, 74th Leg., R.S., ch. 258, § 6, 1995 Tex. Gen Laws 2197, 2201-01.

Ref.: ID# 39216

Enclosures: Submitted documents

cc: Mr. Cecil D. Gilliam  
2503 Earlcove Drive  
Dallas, Texas 75227  
(w/o enclosures)

