



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 6, 1996

Mr. Ron M. Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR96-2310

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103063.

The Texas Department of Public Safety (the "department") received an open records request for "a list of registered sexual offenders for the years 1992 and 1993." You contend that section 5 of article 6252-13c.1, V.T.C.S., requires the department to withhold sex offender registration information for those required to register under the statute prior to September 1, 1995.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." A sex offender is required by law to register with the local law enforcement authority in the municipality or county in which the sex offender intends to reside. V.T.C.S. art. 6252-13c.1, § 2(a). Registration consists of completing a form created and disseminated by the department. *Id.* at § 2(b). The local law enforcement authority must forward a copy of all registration information to the department where the information is entered into the department's computerized central database. *Id.* at §§ 2(c), 5(a). Section 5(b) now explicitly deems certain portions of this information public, and section 5(c) requires a local law enforcement authority to release the public information upon request.

Prior to its amendment by the Seventy-fourth Legislature, article 6252-13c.1 provided that a person who releases information required for sex offender registration to any person other than a law enforcement officer commits a Class B misdemeanor. 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. Sess. Law Serv. 2197, 2201-02. When amending article 6252-13c.1, the Legislature made the following provision:

(a) Except as provided by Subsection (b) of this section, the change in law made by this Act to Article 6252-13c.1, Revised Statutes, applies only to a reportable conviction or adjudication as defined by Article 6252-13c.1, Revised Statutes, that occurs on or after the effective date of this Act or to an order of deferred adjudication for a person required to register under that article that is entered by the court on or after the effective date of this Act. A reportable conviction or adjudication that occurs before the effective date of this Act or an order of deferred adjudication that is entered before the effective date of this Act is covered by the law in effect when the conviction or adjudication occurred or the order was entered, and the former law is continued in effect for that purpose.

Act of May 19, 1995, 74th Leg., R.S., ch. 258, § 16, 1995 Tex. Sess. Law Serv. 2197, 2205. The effective date for the amended statute is September 1, 1995. The registration information at issue relates to sex offenders who were convicted or whose cases were adjudicated prior to September 1, 1995. Release of this information is governed by the law in effect prior to September 1, 1995. Consequently, releasing the requested information here to the requestor would constitute a Class B misdemeanor. Act of May 26, 1991, 72d Leg., R.S., ch. 572, § 1, 1991 Tex. Gen. Laws 2029, 2030 (amended 1995). Thus, we conclude that the information is confidential and excepted from required public disclosure pursuant to section 552.101.

We are resolving this matter with an 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 should 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,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/RWP/ch

Ref.: ID# 103063

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