

SENATOR FLORENCE SHAPIRO
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MAR 17 1998

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The Senate of
The State of Texas

GOVERNMENTAL INQUIRY
UNIT

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March 11, 1998

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RQ-1113
FILE # ML-40158-98
I.D. # 40158

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MAR 18 1998

Opinion Committee

Dear General Morales:

As chair of the Senate Interim Committee on Sex Offenders, I would like to request an opinion from you regarding the following:

Whether a local law enforcement agency may refuse to enforce a condition of community supervision or parole that requires a defendant to register as a sex offender under the sex offender registration statutes (Chapter 62 of C.C.P.) when the instant offense for which the defendant is being supervised is not an offense for which registration is automatically required?

This request for clarification stems from a recent criminal case in Arlington, Texas. An individual serving a sentence for burglary was reviewed by the Board of Pardons and Paroles in April of 1997. Because the Board had knowledge of the individual's history as a juvenile sex offender, they required that he register as a condition of his parole. On June 11, 1997, the individual presented himself to the Arlington Police Department to register. However, the law enforcement agency refused to register the parolee. The law enforcement agency believes it has the authority to disregard the terms of parole.

Thank you for your prompt attention to this question. The release of sex offenders is of great concern not only to this community, but to all Texans.

Sincerely,

Florence Shapiro

FS/HG

Attachments

