

SENATOR FLORENCE SHAPIRO
DISTRICT 8

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State Affairs, Chair
Criminal Justice
Administration

RQ-0046-99



The Senate of
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MAR 24 1999

ATTORNEY GENERAL'S OFFICE
Liz Robinson

Dear General Cornyn:

I would like to request an opinion from you regarding the following:

Whether the law precludes a local law enforcement authority from registering a parolee when they have been required to register as a condition of parole.

Whether the parolee's prior juvenile adjudication constitute's a reportable conviction or adjudication, and, if so, whether a law enforcement agency has any discretion in registering that person as a sex offender.

Whether a law enforcement authority may register a parolee who otherwise is not required by statute to register as a sex offender under Chapter 62 and what the liabilities might be, if any, for doing so.

The above requests for clarification stem from Attorney General Opinion #JC-0010 which are in regard to a criminal case in Arlington, Texas. An individual serving a sentence for burglary was reviewed by the Board of Pardon's and Paroles in April of 1997. Because of the individual's history as a juvenile sex offender, the Board required he register as a sex offender as a condition of parole. However, when he presented himself to register at the Arlington Police Department, the law enforcement agency refused to register the parolee.

I am currently working on legislation that will clarify the responsibilities of law enforcement in these situations under the law. Thank you for your prompt attention to the question. The release of Sex Offenders is of great concern not only to the community, but to all Texas.

Sincerely,

Florence Shapiro

FS/ss