

Sex Offender Registration— What's That About?

By Alice Bybee

Many of you have heard something about the sex offender registration program, but I would bet that most of you have not. It is one of those subjects not discussed at the dinner table, parties, nor during business deals made on golf courses.

We all know that laws are made to protect the rights of innocent people. And in Texas, innocent animals. For instance, did you know that it is a Class B misdemeanor, (which means you go to jail) for tripping a horse? Imagine how long in Texas, land of cattle and horses, this particular law has been in place? In contrast, it was not until 1991, that the concept of protecting our children and our communities from sex offenders was introduced by the 72nd legislature.

The sex offender registration law was enacted in 1991 in Texas and has been amended and changed every two years since. Washington state was the first to pass notification laws. Texas began notifying the public of sex offenders in 1995 due in part to the death of Ashley Estell in Plano. Ashley was the little girl who was abducted from a soccer field and later found murdered in Plano, Texas. Her perpetrator, Michael Blair, had been in prison on burglary and sex offender charges. He was paroled on his burglary charges.

Other federal laws are in place in regards to the sex offender registration/notification process to help our communities. Megan's Law, an amendment to the Jacob Wetterling Act in 1994, added the community notification process for states.

The sex offender registration and notification law was written for several reasons. These include: to assist law enforcement in investigations, to establish legal grounds to hold offenders found in suspicious circumstances, to deter sex offenders from committing new offenses, and to offer citizens information so they can protect themselves. The entire law can be found in the Code of Criminal Procedure, chapter 62.

Interpreting this law can be rather confusing. In fact, understanding the whole concept of registration, notification, and public information can be exhausting. Added to that is, who are sex offenders? We'll answer those questions by starting with a definition of sexual assault.

The Texas Evidence Collection Protocol for sexual assault cases defines sexual assault as "any act of sexual contact or intimacy performed upon one person by another without mutual consent or with an inability of the survivor to give consent due to age, mental or physical incapacity." The Texas Penal Code does not define sexual assault per se, but adds more details

about orifices involved, number of people involved, age of victim, type of act performed, and occupation of the perpetrator. Anything from exposing oneself for sexual gratification to gang rape, with several offenses in between.

Registration

Any person, regardless of sex or age, who has a reportable conviction or adjudication for any of the following offenses and is on community supervision (parole or probation), as of September 1, 1998, must register as a sex offender if they committed their offense on or after September 1, 1970: indecency with a child, sexual assault, aggravated sexual assault, prohibited sexual conduct, compelling prostitution, sexual performance by a child, possession or promotion of child pornography, aggravated kidnaping (if intent was to harm the individual sexually), burglary (if intent was to sexually assault during the offense) and indecent exposure (second offense).

The sex offender when released from a penal institution, or by the courts, must report to their local law enforcement office in the city or county in which they intend to live for more than 7 days. This must be done within 7 days of arriving. Sheriff's offices will handle the registration process for communities that do not have a local police department.

Law enforcement will take approximately 32 pieces of information from the sex offender and send this to the Department of Public Safety. DPS will then add this to their registry that can be accessed by law enforcement and the general public.

For how long and how often must a sex offender register?

Sex offenders must register every time their address changes and verify their registration with local law enforcement annually or every 90 days, depending on their offense. This includes if the offender moves out of state or if an offender moves into Texas from another state that has sexual offense laws similar to ours.

Those who have been twice convicted of indecency with a child, sexual assault, aggravated sexual assault, sexual performance by a child, aggravated kidnaping, (if intent was to harm the victim sexually), or burglary, (if the intent was to commit a sexual offense during the offense), must report to their local law enforcement or sheriff every 90 days to verify information. All others must report once a year. During this time, the offender is still required to report to their community supervision officer. For the most part, sex offenders must register for the rest of their lives, except for sex offenders under 17 years of age. They must register for 10 years from the date of release.

Public Notice (Notification)

For offenders whose victims were under 17 years of age, and the offender is 17 or older, law enforcement must publish six pieces of information in the newspaper of greatest paid circulation in the county. If there is not a newspaper of paid circulation in that county, it

should be published in the newspaper of greatest circulation in the county. This notice must be in English and Spanish and printed twice, one week apart, to allow for any corrections. This piece of the law applies only to offenders convicted on or after September 1, 1995.

Here is the information that is printed:

1. Gender
2. Age
3. Street name
4. City name
5. Zip code
6. Offense

Remember, notification only applies to cases where the victim is under seventeen and the offender is 17 or older. Notification does not apply to sex offenders whose sexual assault victims were 17 years of age or older. This law was designed to protect our children more than adults from sex offenders. If an adult sexually assaults another adult, the offender will have to register but will not be a part of the notification in the local paper. You will not read about that offense in the newspaper's notification section.

School districts receive information on all sex offenders whose victims were younger than 17. They are not limited to only adult sex offender information. Law enforcement agencies give public and private schools the same information that they receive from all offenders.

Public Information

Often people will ask how they can find out about convicted sex offenders living in their neighborhoods. Most of the information on convicted sex offenders is public. To receive this information, ask your local law enforcement, police or sheriff's agency. Your request must

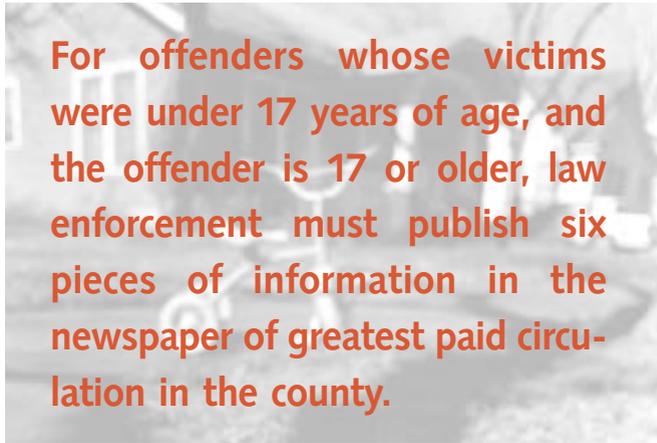
be specific. For example, you must ask for sex offenders in a particular zip code area. And your request must be in writing. The law enforcement agency may charge you a fee for this, but it must be a reasonable fee to cover administrative cost. This will usually run around four dollars, the same as an accident report or offense report might cost.

Conclusion

As of 1996, all 50 states have a requirement to register sex offenders released on community supervision. As of January, 1998, 47 states have community notification laws.

was no information on computer to tell the officer that this individual is a registered sex offender.

This is one law that, for the most part, treats juveniles and adult offenders the same. Each legislative session, this law is improved. Most people would prefer to see all offenders' names, addresses, and pictures in every paper in their city. In communities where laws allow this information to be published, the offender has had only negative consequences. There are other alternatives such as the Chaperone program and Civil Commitment,



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Kentucky, Nebraska, and New Mexico do not. There are as many different ways that communities are notified as there are states that have this law. For instance, California has the information on computer CD Rom.

Starting in March, Texas will be "on line" with sex offender public information. Information on other felony offenses, such as burglary, will also be available. It was only February 1997, that police officers and sheriff's deputies were able to get this information while working on the streets. Before this, when officers found a suspicious person around a school or day care, there

as well as intense community supervision and electronic monitoring devices, that are working to help protect our communities. These programs allow the offender a chance to live in our communities. While perhaps most people's intent is to protect their family and friends, there are some citizens who would break the law themselves in order to create their own "justice system." In the end, the offender has to live somewhere and communities have to be safe.

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