

SUBJECT: School superintendent disclosure of sex offender registration information

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 7 ayes — Oakley, Driver, Keel, Keffer, Madden, McClendon, Reyna
0 nays
2 absent — Carter, Olivo

WITNESSES: For — Bonita Blaney, Save our Children from Abuse and Neglect; John F. Arnaud, Jr.
Against — None
On — Paul C. Jordan, Texas Department of Public Safety

BACKGROUND : The sex offender registration and notification laws require certain sex offenders to register with local law enforcement authorities. If an offender's victim was under 17 years of age, local law enforcement authorities must immediately notify public school superintendents in the school district where the offender intends to live. The notice must include any information necessary to protect the public but may not include the offender's Social Security number, driver's license number, telephone number, or any information that would identify the victim.

DIGEST: CSHB 1736 would amend the sex offender registration and notification law to require public school superintendents to release the information they receive from law enforcement authorities concerning sex offenders to appropriate school district personnel, including peace officers and security personnel, principals, nurses, and counselors.

The bill would take effect on September 1, 1997.

**SUPPORTERS
SAY:**

CSHB 1736 is necessary to clarify what school superintendents should do with sex offender information they receive from law enforcement authorities. Because current law does not specify what school superintendents are supposed to do with the information, they have developed varying policies, leading to confusion. Some school superintendents are not releasing the information to anyone because of liability concerns. Others are reportedly sending sex offender notices home with children. Some are passing the information along to school principals, teachers or security personnel, who then make decisions about passing it along. At least one district makes a list describing sex offenders available upon request. Parents often are unaware of their district's policy or if changes are made to that policy.

CSHB 1736 would provide a more consistent statewide policy concerning the distribution of sex offender information by specifying that superintendents are required to give the information to certain appropriate school personnel. This bill would ensure that at least some school personnel with direct supervision over children would be given the information. This would help school personnel better protect school children from sex offenders. The bill would not limit school district superintendents to distributing the information to these four categories of personnel, they would still retain the discretion to release the information to other persons as they deemed necessary.

**OPPONENTS
SAY:**

The current system that gives complete discretion to school superintendents to act on sex offender information and should be retained. These types of decisions are best left up to local school district officials, who are usually in the best position to weigh the danger to children and to make decisions about passing on sex offender information.

NOTES:

A related bill, HB 3113 by McClendon, which would require the publication of a sex offender's full name, numeric street address and recent photograph was passed the House on April 30.

The committee substitute added peace officers and security personnel, principal, nurses and counselors to the list of school district personnel required to be notified by the superintendent.