

SUBJECT: Removing employer information from the public sex offender database

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Gallego, Aliseda, Burkett, Christian, Y. Davis, Rodriguez, Zedler

1 nay — Carter

1 absent — Hartnett

WITNESSES: For — Herman Buhrig; Jon Cordeiro, New Name Ministries; Clare Fleming, Ventana del Soul; Mary Sue Molnar, Philip Taylor, Texas Voices; Frank Ringer, Travis County Reentry Roundtable (*Registered, but did not testify*: Chris Cunico, Texas Criminal Justice Coalition; David Gonzalez, Texas Criminal Defense Lawyers Association; Jennifer Pinkley, Travis County Reentry Roundtable; Kandice Sanaie, Texas Association of Business; Bobby Smith, June Smith, David Clyde Mitchamore; and 44 others)

Against — None

On — Louis Beaty, Texas Department of Public Safety; Allison Taylor, Council on Sex Offender Treatment

BACKGROUND: Code of Criminal Procedure, art. 62.005 requires the Department of Public Safety (DPS) to maintain a computerized central database containing the information required from registered sex offenders and to make information about those registered available to the public through the agency's website.

Information in the database is public information, with the exception of information regarding the person's online identifier, social security number or driver's license number, or any home, work, or cell phone number.

DPS did not keep employer information on the public sex offender database until 2007 when an attorney general's opinion determined that the employer information was public information.

DIGEST: HB 3346 would exclude a sex offender's employer's name, address, and telephone number from the DPS public information database.

The bill would take effect September 1, 2011.

SUPPORTERS SAY: HB 3346 would be a positive step forward in helping former offenders connect with their communities by removing barriers to getting and keeping jobs, a key factor cited by the Legislative Budget Board's 2011 Government Effectiveness and Efficiency Report in preventing recidivism. Employers are less likely to hire people if they know their business information will be associated with sex offenders, and employers have fired employees when they found out the names and addresses of their businesses were listed on the database.

By removing an obstacle to successful reentry of sex offenders into society, HB 3346 would result in a lower incidence of recidivism and increased safety for the public. Texas is one of only four states that include employer names and addresses on its sex offender public database. Currently, 33 states do not list employer information on their databases.

No good public policy reasons exist for keeping employer names and addresses on the public database. Law enforcement still would be able to access a sex offender's employer information through the DPS secure sex offender database, and employers still could gain access to sex offender information through criminal background checks. A coworker still could look up a person by name on the sex offender database to see if the person was a threat. The database cannot be searched by employer anyway, so removing employer information would not take away any useful current search feature.

HB 3346 would put a stop to news organizations exploiting sex offender employer information in a sensational way that has resulted in harassment and termination of sex offender employees. Moreover, employers trying to give offenders a second chance should not be made targets for harassment themselves, as has happened in the past.

OPPONENTS SAY: The goal of the public sex offender database is to give all Texans a broad-based tool to protect themselves from dangerous predators. HB 3346 would scale back access to potentially important information. For

example, members of the public could use the employer information to make sure the sex offenders were where they say they were during work hours.