

## **BILL ANALYSIS**

Senate Research Center  
76R9355 PEP-D

H.B. 3488  
By: Dunnam (Armbrister)  
Criminal Justice  
5/13/1999  
Engrossed

### **DIGEST**

The Sex Offender Registration Program, as enacted in 1991, required judges to admonish defendants about their duty to register as sex offenders. However, when this program was codified last session in Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure, the admonishment requirement was not included. Since registration requirements are longer than before (lifetime registration for most offenders), some feel defendants pleading guilty ought to be informed of this provision. Full disclosure of all available penalties could reduce legal challenges to the voluntariness of the plea. H.B. 3488 would require an admonishment be given prior to accepting a plea of guilty or nolo contendere that informs the defendant of this registration.

### **PURPOSE**

As proposed, H.B. 3488 requires an admonishment be given prior to accepting a plea of guilty or nolo contendere that informs the defendant of this registration.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 26.13(a), Code of Criminal Procedure, to include in the list of admonishments which are required to be given by a judge to a defendant prior to accepting a plea of guilty or nolo contendere the fact that the defendant will be required to meet the registration requirements of Chapter 62 (Sex Offender Registration Program), as added by Chapter 668, Acts of the 75th Legislature, Regular Session, 1997, and a description of the duration of the registration requirements applicable to the defendant. Provides that this admonishment is required if the defendant is convicted of or placed on deferred adjudication for an offense for which a person is subject to registration under Chapter 62.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.