

## **BILL ANALYSIS**

Senate Research Center  
77R10037 GWK-F

C.S.S.B. 1206  
By: Jackson  
Criminal Justice  
3-3/23/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

C.S.S.B. 1206 is intended to clean-up language from S.B. 1650 which was enacted by the 76th Legislature. C.S.S.B. 1206 clarifies and codifies existing law regarding the risk assessment program and establishes an immunity provision for county employees and officers. This bill also switches the numbers assigned to risk levels to be consistent with other states and changes language to thoroughly describe each risk level.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subsections (a) and (c), Article 62.03, Code of Criminal Procedure, to require the Texas Department of Criminal Justice (TDCJ) or the Texas Youth Commission (TYC), rather than the risk assessment review committee, to determine a person's level of risk to the community using the sex offender screening tool developed or selected under Article 62.035 and assign to the person a numeric risk level of one, two, or three, before the person who will be subject to registration under this chapter is due to be released from a penal institution. Requires an official of the penal institution, before releasing the person, to inform the person of certain information. Deletes text regarding the sending of a risk level notice. Makes a conforming change.

SECTION 2. Amends Article 62.035, Code of Criminal Procedure, to provide that the risk assessment review committee (committee) functions in an oversight capacity. Requires the committee to perform certain actions. Requires the committee, in developing or selecting a sex offender screening tool, to use or select a screening tool that may be adapted to use the following general guidelines:

- level one (low): a designated range, rather than number, of points on the sex offender screening tool indicating that the person poses a low danger to the community and will not likely engage in criminal sexual conduct;
- level two (moderate): a designated range of points on the sex offender screening tool indicating that the person poses a moderate, rather than serious, danger to the community and may, rather than will, continue to engage in criminal sexual conduct;
- level three (high): a designated range of points on the sex offender screening tool indicating that the person poses a serious danger to the community and will continue to engage in criminal sexual conduct.

Authorizes the committee, TDCJ, TYC, or a court to override a risk level only under certain circumstances. Provides that, notwithstanding Chapter 58 (Records; Juvenile Justice Information System), Family Code, records and files, including records that have been sealed under Section 58.003 of that code, relating to a person for whom a court, TDCJ, or the TYC is required under this article to

determine a level of risk, is required to be released to the court, TDCJ, or TYC, as appropriate, for the purpose of determining the person's risk level. Provides that Chapter 551 (Open Meetings), Government Code, does not apply to a meeting of the committee. Deletes text regarding assigning a numeric risk level to a person. Makes a conforming change.

SECTION 3. Amends Subsections (d) and (f), Article 62.04, Code of Criminal Procedure, to delete text regarding the reassigning of a numeric risk level based on certain criteria. Makes a conforming change.

SECTION 4. Amends Subsections (a) and (d), Article 62.045, Code of Criminal Procedure, to require the Department of Public Safety (DPS), if a person is assigned a numeric risk level of three, rather than one, to provide written notice mailed or delivered to at least each residential address within a one-mile radius, in an area that has not been subdivided, or a three-block area, in an area that has been subdivided, of the place where the person intends to reside. Makes a conforming change.

SECTION 5. Amends Chapter 62, Code of Criminal Procedure, by adding Article 62.091, as follows:

Art. 62.091. GENERAL IMMUNITY. Provides that the following persons are immune from liability for good faith conduct under this chapter:

- an employee or officer of TDCJ, TYC, TJPC, or DPS;
- an employee or officer of a community supervision and corrections department or a juvenile probation department; and
- a member of the judiciary.

SECTION 6. Effective date: September 1, 2001.

#### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1 and 2. Differs from As Filed version by deleting the Texas Juvenile Probation Commission from the list of entities required to verify a person's level of risk to the community before being released from a penal institution.

SECTION 2. Adds text regarding the releasing of records and files, sealed or unsealed, of a person set to be released from a penal institution, to the court, department, or commission.

SECTION 5. Adds an employee or officer in the "juvenile probation department" to the list of persons who are immune from liability.

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