

BILL ANALYSIS

Senate Research Center

H.B. 430
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Criminal Justice
5/18/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, an incarcerated sex offender who completes the offender's sentence and is not released onto probation, parole, or civil commitment is released into the community unmonitored, despite having to register as a sex offender. Placing a electronic monitoring unit on such a registrant would give local law enforcement a mechanism to verify the registrant's residency.

H.B. 430 requires the highest risk offenders to be subject to electronic monitoring for three years after their release from a penal institution.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the director of the Department of Public Safety in SECTION 2 (Article 62.063, Code of Criminal Procedure) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 62, Code of Criminal Procedure, by adding Article 62.0531, as follows:

Art. 62.0531. DETERMINATION OF PREDATORY RISK LEVEL. (a) Defines "sexually predatory conduct."

(b) Requires the Texas Department of Criminal Justice or the Texas Youth Commission, as applicable, before a person who will be subject to registration under this chapter and who will be described by Article 62.063(b) on or after release is due to be released from a penal institution, and using the dynamic risk assessment tool developed or adopted by the Council on Sex Offender Treatment under Section 110.164, Occupations Code, to determine the likelihood that the person will engage in a predatory act of sexual violence after being released from the institution and assign to the person a predatory risk level of low, medium, or high, in addition to assigning to a person a numeric risk level of one, two, or three under Article 62.053(a).

SECTION 2. Amends Subchapter B, Chapter 62, Code of Criminal Procedure, by adding Article 62.063, as follows:

Art. 62.063. MONITORING OF CERTAIN HIGH-RISK REGISTRANTS. (a) Defines "monitoring system."

(b) Provides that this article applies only to certain persons set forth in this subsection.

(c) Requires a person described by Subsection (b) who, under Article 62.0531, is assigned a predatory risk level of high to participate in the monitoring system program described by Subsection (d). Provides that a person's duty to participate in the program expires on the third anniversary of the date the person is released from the penal institution.

(d) Requires the Department of Public Safety (DPS) to implement and coordinate a monitoring system program (program) that tracks the location of persons subject to this article. Requires the program implemented under this subsection to meet certain requirements set forth in this subsection.

(e) Requires a monitoring system that is part of the program described by Subsection (d) to track a person's location and periodically provide a cumulative report of a tracked person's location to DPS. Provides that the monitoring system does not have to be capable of tracking a person's location in real time or providing a real-time report of a person's location to DPS.

(f) Provides that a person who is not indigent and who is required to participate in the program described by Subsection (d) is responsible for the cost of the monitoring system and is required, each month, to pay to the person's primary registration authority and to DPS the amount that either of those entities, as applicable, determines is necessary to defray the entity's cost of operating the system with respect to the person during the previous month.

(g) Requires the director of DPS to adopt rules as necessary to implement and coordinate the program described by Subsection (d).

SECTION 3. Amends Subchapter D, Chapter 110, Occupations Code, by adding Section 110.164, as follows:

Sec. 110.164. DYNAMIC RISK ASSESSMENT TOOL. (a) Requires the Council on Sex Offender Treatment to develop or adopt a dynamic risk assessment tool (tool) to be used in determining the likelihood that a person confined in a penal institution will engage in a predatory act of sexual violence after being released from the institution.

(b) Requires the tool to enable the assignment to a person of a predatory risk level of low, medium, or high.

SECTION 4. Amends Subchapter A, Chapter 62, Code of Criminal Procedure, by adding Article 62.0052, as follows:

Art. 62.0052. ELECTRONIC MAIL REPORTS FOR STATE LEGISLATORS. (a) Requires DPS to maintain an electronic mail report service (service) to which a member of the house of representatives or the senate of this state may electronically subscribe.

(b) Requires the service maintained under Subsection (a) to take certain actions set forth in this subsection.

(c) Requires DPS to include any public information described by Article 62.005 in an electronic mail report sent to a subscribing representative or senator.

SECTION 5. (a) Makes application of Articles 62.0531 and 62.063, Code of Criminal Procedure, as added by this Act, prospective.

(b) Requires DPS to implement the program described by Article 62.063, Code of Criminal Procedure, as added by this Act, so that the program is fully functional not later than January 1, 2008.

(c) Requires DPS to issue a Request for Qualifications or Proposal not later than September 15, 2007. Requires the selection process to include a side-by-side comparison testing the products submitted in the RFQ/P. Requires the test results, product reliability, functionality, and public safety to be given, at a minimum, equal consideration to cost in awarding a contract.

(d) Authorizes DPS to only receive responses from and contract with an Original Equipment Manufacturer.

SECTION 6. Effective date: upon passage or September 1, 2007.