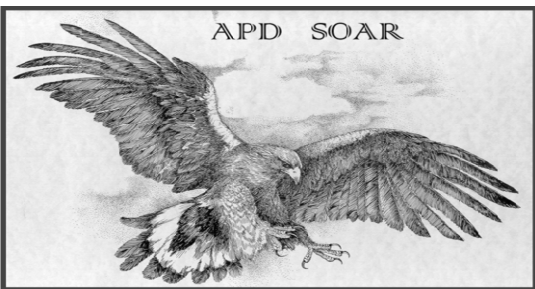


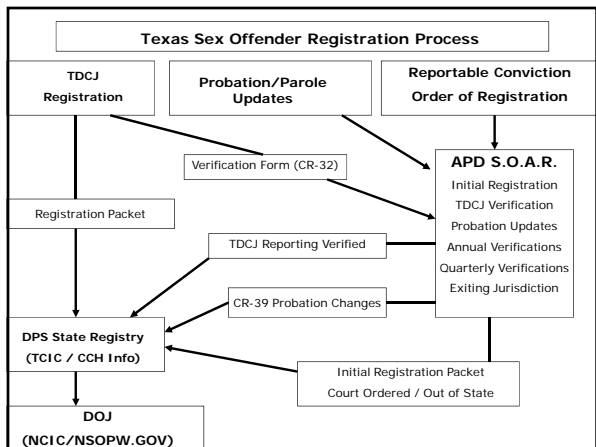
AUSTIN POLICE DEPARTMENT
SEX OFFENDER
MONITORING AND MANAGEMENT



Sgt. Greg Moss

81st Legislative Session
Update
2009

Effects on Law Enforcement
SB 2048 / SB689
and
HB 2153



House Bill 2153

Code of Criminal Procedure
13.31 / 62.051 / 62.053 / 62.055
Amendments

Transient/Homeless
Population

Venue of Prosecution Expanded CCP 13.31

- Any county in which an element of the offense occurs;
- County in which the person last registered, verified, or otherwise complied;

Venue of Prosecution Expanded CCP 13.31 (cont'd)

- County in which the person has indicated to reside, *regardless of whether the person establishes or attempts to establish residency in that county*;

Venue of Prosecution Expanded
CCP 13.31 (cont'd)

- Any county in which the person is placed under custodial arrest for an offense subsequent to the person's most recent reportable conviction or adjudication;

Venue of Prosecution Expanded
CCP 13.31 (cont'd)

- the county in which the person required to register resides or is found by a peace officer, regardless of how long the person has been in the county or intends to stay in the county.

CCP 62.051 Changes
Registration Form

The registration form shall require the person's address at which the person resides or intends to reside or, if the person does not reside or intend to reside at a physical address, a detailed description of each geographical location at which the person resides or intends to reside;

CCP 62.051 Changes

- Released from a penal institution without supervision (Parole/Probation)
- Does not move to the address indicated on the registration form or did not indicate an address on the form, not later than the 7th day after the date of release...

CCP 62.051 Changes

- Report in person to the local law enforcement authority in which the person is residing and provide the address or,
- if the person residence does not have a physical address, a detailed description of the geographical location of the person's residence; and

CCP 62.051 Changes

- Continues to report to that local law enforcement authority not less than once in each succeeding 30-day period

CCP 62.051 Changes

(k) A registrant may not refuse or otherwise fail to provide any information required for the accurate completion of the registration form.

CCP 62.055 Changes

Change of Address / Lack of Address

(i) If a registrant resides for more than 7 days at a location or locations to which a physical address has not been assigned, the person must report not less than once in each 30 day period shall confirm by reporting to local law enforcement and providing a detailed description of the applicable location or locations.

Senate Bill 2048

Code of Criminal Procedure
62.001 / 62.04 / 62.045
Amendments

Centralized Registration
Authorities

**Centralized Registration Authority
Specifics (CCP 62.045)**

- County population = 100,000+
- County Commissioners Court
 - may designate:
 - Sheriff of the county
 - Chief of Police of a municipality (thru an inter-local agreement)

To Serve as the Countywide Mandatory
Registration Location for Sex Offender Reg.

**Centralized Registration Authority Specifics
(CCP 62.045)**

Responsibilities of Registrant

- Shall register or verify only with the designated centralized registration authority
- regardless of where that residence is within the county

**Responsibilities of Registration
Authority**

Registrants who live within same
jurisdiction as the authority

vs.

Registrants who do not live in the
jurisdiction as the authority

Reside in same jurisdiction

The county if designated the CRA
or the city if designated the CRA

Upon receipt of registration or
verification information:

No further action

Resides in different jurisdiction

The county if the city is designated the CRA
or
The city if the county designated the CRA
Upon receipt of registration or verification
information:

- shall provide notice of that person's registration/verification to the local law enforcement authority of the registrant's residence
- within 3 days

Senate Bill 689

Amendments

Prohibitions on Internet
Access

CCP 42.12 Sec. 13E

Online Identifiers

CCP 62.005 and 62.0551

Social Networking Sites

CCP 62.0061

Internet Access Prohibition

Probation or
Parole/Mandatory Supervision

Internet Access Prohibition

1) Person is required to register under
Chapter 62, by court order or otherwise

AND

2) is conviction (deferred adjudication) for:

- Indecency with a Child
- Sexual Assault of a Child
- Aggravated Sexual Assault of a Child
- Online Solicitation of a Minor
- Sexual Performance by a Child

Internet Access Prohibition

2) is conviction (deferred adjudication) for:

- Indecency with a Child
- Sexual Assault of a Child
- Aggravated Sexual Assault of a Child
- Online Solicitation of a Minor
- Sexual Performance by a Child

3) Used the internet to commit the offense or
engage in conduct for which the person is
required to register

or

4) Is assigned as a High Risk (Level 3)

Court or Parole Panel can prohibit:

Use of the internet to:

- access obscene material (43.21 Penal Code)
- access commercial networking sites
- communicate with anyone under 17 concerning sexual relations or
- communicate with an individual for which the registrant knows is under 17

Special Exceptions

Court can modify these restrictions if:
interferes with the person's ability to attend school or become or remain employed and constitutes a hardship
or
the person is the parent/guardian of a person who is younger than 17 and is not otherwise prohibited from communicating with that individual.

**Online Identifiers
CCP 62.001**

Requires registrants to report any online identifiers

- E-mail addresses
- Instant messaging names
- Social networking identifiers
- Chat room names
- Online picture sharing service

**Contact Phone Numbers
CCP 62.005**

Requires registrants to report any contact telephone numbers:

- Home
- Work
- Cell

Non-Public Information

All contact phone number information as well as internet identifiers are not classified as public information.

Reporting requirements

Registrants have 7 days to report any changes in online identifiers. This will include any new identifiers not already reported for registration purposes.

**Social Networking Sites
CCP 62.0061**

Statute gives them the ability to:
request all public information that is
contained in the registry;
any online identifier established or
used by a person who uses their site,
is seeking to use, or is precluded
from using the site.

**Law enforcement
collaboration**

Allows the DPS to release (for law
enforcement purposes) upon
request non-public registration
information to:

- 1) a peace officer
- 2) an employee of a local L.E.
authority
- 3) the Attorney General's Office

**Federal Adam
Walsh Act**

*The Cost
Of
Compliance*

Adam Walsh
Child Protection and Safety Act
Public Law 109-248
Title I (SORNA)
**EFFECTS
ON
LOCAL JURISDICTIONS**

**ADAM WALSH ACT
Areas Of Impact**

- In-person Appearances
- Addition of Offenses
- Increase Length of Registration Period

AWA Impact –Austin PD

Registered Sex Offenders (RSO)
1,251
City of Austin - January 01, 2010

AWA Impact –Austin PD

CCP Chapter 62

Required In Person Appearances	Number of Offenders (1,251)
Annual	1137 (90.9%)
Quarterly	114 (9.1%)

AWA Impact –Austin PD

Adam Walsh Act 2006

Required In person Appearances	Number of Offenders (1,251)
Annual	25 (2.0%)
Bi-annual	248 (19.8%)
Quarterly	978 (78.1%)

AWA Impact – Austin PD

**Required In Person Appearances
Verifications Only**

TX CCP 62	1,593
AWA 2006	4,433

178% Increase

AWA Impact – Austin PD

CCP 62

Total In Person Appearances

1,781

(3 year average)

AWA Impact – Austin PD

Total In Person Appearances

(Est.)

Appearance Type	Estimated Total/yr
Ann/Bi/Qtr Verify	4,433
Change of Address	517
Initial Registration	241
Employment Change	180

Total = **5,371** (+ 166%)

AWA Impact – Austin PD

Total In Person Appearances

Per Day (Est.)

Year	2006-2008	AWA (est.)
Total Offender Appearances	1,781	5,371
Avg. /Day (5-day wk) 250 workdays/yr	7.04	21.4

**ADAM WALSH ACT
Areas Of Impact**

Increase Length of
Registration Period

ADAM WALSH ACT

Increase Length of Registration Period

AWA TIER	Post-10 Reclass	Per year Increase	Lifetime Increase
I	29	29	145
II	64	128	1,920
III*	31	124	3,100
TOTAL	124	281	5,165

*-assumes conviction (or Adoption of AWA) at age 35 and death at age 70.

**ADAM WALSH ACT
Areas Of Impact**

Additional Offenses

**ADAM WALSH ACT
Areas Of Impact**

Additional Offenses

- Criminal Solicit. for purpose of Sex Performance of Child
- Trafficking for Sexual purposes
- Prostitution (Solicitation of a minor)
- Promotion of Prostitution (minors)
- Obscenity (Image of child <18)
- Capital Murder (involving Sex Offenses)
- Engaging in Org. Crime (involving Sex Offenses)

AWA Impact – Austin PD

Summary

- In-person Appearances (+ 166%)
- Increase Length of Registration time
- Addition of Offenses

Thanks for your time!!!

**ANY
QUESTIONS?**

Contact Information

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