

Melara, Marlynn

From: Castilleja, Vincent
Sent: Monday, October 21, 2019 4:33 PM
To: gail@floridaactioncommittee.org
Cc: Vasquez, Sheila
Subject: Re: Requirements for Visiting Persons Required to Register Sex Offenders
Attachments: Florida Action Committee Inquiry 20191011.pdf

Dear Ms. Colletta,

Our office is in receipt of your request for information regarding requirements for visiting persons who may have a requirement to register in Texas. Please see below for our responses in blue. We hope you find this information useful. Please contact me if you have any questions.

(1) How many days (or hours) must a registrant be present in Texas in order to trigger a requirement to register?

Any person who has a "reportable conviction or adjudication" (a term defined in Texas Code of Criminal Procedure 62.001(5)), or who is required to register as a condition of supervision, parole, mandatory supervision, or who is an "extrajurisdictional registrant" (defined in TX CCP 62.001(10)) must register as a sex offender wherever they reside or intend to reside for more than 7 days.

(2) Will a registrant temporarily visiting Texas be added to your state's public registry (ie: your Megan's Law website)?

Yes, if they have a "reportable conviction or adjudication", are an "extrajurisdictional registrant" or are required to register as a condition of supervision or parole and they are residing or intending to reside in Texas for over 7 days, they will be required to register on the Texas public registry.

(3) When a registrant temporarily visiting your state leaves, will they be removed from your registry or will they continue to be listed as a registrant in Texas?

If a person is required to register in Texas (see #1 above), they will continue to be listed as a registrant for the duration of the length of duty to register as designated by statute. Information is not removed from the registry until the Department of Public Safety has received a request for removal and has confirmed that the duty to register has expired.

(4) Will a registrant temporarily visiting Texas be subject to any sex offender residency restrictions (SORRs) during their visit? If yes, who can they contact to ensure the compliance of where they will be temporarily staying?

Maybe. Under state law, a person required to register in Texas (see #1 above) may not reside on a higher education campus unless they are assigned a low risk level and the institution approves the residency. There may be other county or city ordinances for registrants residing in those particular jurisdictions.

The local law enforcement agency registrar would be the person to contact with questions regarding the existence of residency restrictions within their local jurisdiction.

(5) How long is registration required? If Texas has different durations based on tiers, how can a registrant temporarily visiting Texas ascertain which tier they fall under?

The length of duty to register is dependent upon the offense requiring registration and the length of duty designated by statute (Art. 62.101 or Art. 62.052, Texas Code of Criminal Procedure). If an offense is substantially similar to a Texas reportable conviction or adjudication, the duty to register expires either: a) on the 10th anniversary of the date on which the person was released from a penal institution or discharges community supervision or the court dismisses the criminal proceedings against the person and discharges the person, whichever date is later, or b) when the

person dies, depending on the particular offense. If the person is an extrajurisdictional registrant, then the length of duty to register follows the tiered guidelines set out under Federal SORNA statutes.

(6) Where must a registrant temporarily visiting Texas go in order to register (if required to do so)? If locations differ by city/county, where can one find a directory of those locations?

A person who is required to register must report to the local law enforcement authority in any municipality (Police Department) where the person resides or intends to reside for more than seven days. If the place where the person resides or intends to reside is not within a municipality, the person shall register or verify registration in any county (Sheriff's Office) where the person resides or intends to reside for more than seven days. The person shall satisfy the reporting not later than the seventh day after the person's arrival in the municipality or county or the first date the local law enforcement authority allows the person to register or verify as applicable.

Online searches by specific county or city in which the registrant intends to reside is recommended. Suggested directories for Texas police department or sheriff's offices can be conducted thru the [Texas Municipal League](#) or the [Texas Association of Counties](#) web sites.

(7) What information must a registrant temporarily visiting Texas bring with them or furnish during the registration process?

Those required to register must provide proof of identification, the physical address or geographical location for which the person resides or intends to reside, court documents to include charging instrument (complaint, information or indictment), judgment, sentence, conditions of probation (as applicable), and any associated orders/certificates of discharge, and other information required for registration (Art. 62.051(c), Texas Code of Criminal Procedure).

(8) Approximately how long can a registrant temporarily visiting Texas expect the registration process to take from the time they arrive at the location, including waiting time?

Estimated wait time is dependent on the local jurisdiction. Contact with their local registrar office is recommended to determine applicable reporting schedules and estimated duration of registration.

(9) Is there a fee assessed to a registrant temporarily visiting Texas when they register?

State law does not currently impose a fee for the reporting of registration, verification, or change of status events.

(10) Where can a registrant temporarily visiting your state find the Texas registration statute or a summary of the registration requirements? Who can they contact with additional questions?

[Chapter 62, Sex Offender Registration Program, Code of Criminal Procedure](#), is the law that governs registration in Texas. This statute can be accessed thru the [Texas Constitution and Statutes web site](#).

Questions can be directed to the local law enforcement authority in the jurisdiction of the visit or the TxDPS Sex Offender Registration Bureau at txsor@dps.texas.gov or (512) 424-2800.

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