

TEXAS CIVIL COMMITMENT OFFICE



POLICY AND PROCEDURE

NUMBER: 3.13
EFFECTIVE DATE: 9/1/2017
SUPERCEDES: TCCO 3.13 dated 1/25/2016

SUBJECT: SEX OFFENDER REGISTRATION

AUTHORITY: Texas Code of Criminal Procedure, Chapter 62

PURPOSE: To establish procedures for sex offender registration for civilly committed clients.

POLICY: Pursuant to the Texas Code of Criminal Procedure, Chapter 62, sex offenders with a reportable sex offense conviction on or after September 1, 1970 shall register as a sex offender.

DEFINITIONS:

“Verification Agency” is the local law enforcement agency where the client will verify sex offender registration.

“Penal Institution” has the meaning assigned by Article 62.001(3) of the Texas Code of Criminal Procedure and does not include the Texas Civil Commitment Center (TCCC).

PROCEDURE:

I. Initial Sex Offender Registration

- A.** Pursuant to Chapter 62 of the Texas Code of Criminal Procedure, the Texas Department of Criminal Justice – Correctional Institutions Division (TDCJ-CID) completes the initial sex offender registration seven (7) days prior to a client’s scheduled release date. The initial sex offender registration includes the Pre-Release Notification Form (CR-32), Prohibited Employment Notification (CR-32PE), if applicable, Registration Form (CR-35), a photograph, and fingerprints.
- B.** TDCJ-CID forwards the CR-32 and CR-32PE, if applicable and CR-35 to the Texas Department of Public Safety (DPS) and the Notification Form (2nd page of the CR-35) to the verification agency.

- C. The Case Manager shall obtain a copy of the CR-32, CR-32PE, if applicable, and the CR-35 from local law enforcement, maintain a copy in the client's file and scan into the case management automated system.

II. Registration Process for Clients Released from a Penal Institution

- A. Clients residing within the city limits shall register with the local police department; clients residing outside the city limits shall register with the local sheriff's department. If the commissioner's court has designated a centralized registration authority for a county or city, the client shall report to that location.
- B. A client shall register with local law enforcement within seven (7) days of release from a penal institution or the next available appointment provided by local law enforcement.
- C. The Case Manager shall:
 - 1. Send an email notification to the local police department within twenty-four (24) hours for client arriving at the TCCC notifying them of the client's arrival; or
 - 2. Contact local law enforcement within twenty-four (24) hours of a client's release for clients released and not placed at TCCC to obtain an appointment for the client to verify sex offender registration.
- D. Civil commitment clients shall verify sex offender registration:
 - 1. Every thirty (30) calendar days if the client does not reside in the TCCC; or
 - 2. Once per year if the client resides in the TCCC.
- E. The Case Manager shall verify a client has registered initially and every thirty (30) calendar days or annually, whichever applies, within three (3) business days after the scheduled appointment. Verification may be done telephonically with the local law enforcement, the Texas Department of Public Safety Sex Offender Registration website, written verification from law enforcement, or in person. The Case Manager shall enter the verification in the chronological record in the case management automated system.
- F. Anytime a Case Manager sees incorrect or outdated information on the DPS website, the Case Manager shall send a Notice of Sex Offender Registration form (TCCO-09-16) to the local law enforcement verification agency within three (3) business days with the corrected information.

III. Client Status Changes

- A. The client is responsible for reporting status changes and the Case Manager shall report all status changes to the local law enforcement verification agency using the TCCO-09-16. The Case Manager shall send the form to local law enforcement within three (3) business days after the change in status. Change in status includes but not is limited to:
1. The client's name;
 2. Online identifiers;
 3. Physical health (e.g., deceased, hospitalization, etc.);
 4. Employment, discontinuation of employment or remains employed but changes address location;
 5. The court has released the client from civil commitment;
 6. Begins to carry on a vocation, or becomes a student at an institution of higher education to include an online school. A change in a person's educational status includes the client's transfer from one educational facility to another or if the client no longer attends school;
 7. Incarceration to include when a client is arrested, receives a new conviction and when released from custody;
 8. Vehicle information; or
 9. Any other changes in information that are listed on the CR-32 or CR-35.
- B. When a client has been approved to change residence, whether moving from TCCC to a new residence or changing home plans, the client shall notify the local law enforcement not later than seven (7) days prior to the anticipated move date. The Case Manager shall:
1. Send a TCCO-09-16 to local law enforcement **and** an email notification to the Texas Department of Public Safety – Sex Offender Program Monitor, Criminal Investigations Division-Special Investigations Section (DPS-CID) notifying them of the impending move date.
 2. Once the client moves to the new residence, the receiving Case Manager shall send a subsequent TCCO-09-16 to the local law enforcement **and** an email notification to DPS-CID within three (3) business days notifying them the client has moved.
- C. In the event a client absconds supervision, after the warrant request has been submitted, the Case Manager shall notify the local law enforcement registration unit via a TCCO-09-16 and send an email notification to DPS-CID notifying them the client has absconded.
- D. If the local law enforcement registration unit reports a status change to the Case Manager, submitting a TCCO-09-16 to the local law enforcement is not necessary. The Case Manger shall document the information in the chronological record in the case management automated system.
- E. The Case Manager shall enter a chronological record for all status changes and scan the TCCO-09-16 in the case management automated system.

IV. Community Notification

- A.** When the DPS receives a sex offender registration or address change for a civil commitment client, DPS will mail a printed notification to each address within a three-block radius in a subdivided area or a one-mile radius in a non-subdivided area.
- B.** Clients are responsible for payment for all costs incurred by the DPS.
- C.** A local law enforcement agency, at its own expense, may provide notice regarding a civilly committed client to the public. This may include publishing notice in the newspaper.

V. Prohibited Employment and Activities

- A.** Certain types of employment are prohibited for a person with a reportable sex offense conviction or adjudication for a sexually violent offense if the judge makes an affirmative finding of the fact and enters the affirmative finding in the judgment that the victim or intended victim was younger than fourteen (14) years of age for a conviction on or after September 1, 2013.
- B.** Employment restrictions include clients, shall not, for compensation:
 - 1.** Operate or offer to operate a bus;
 - 2.** Provide or offer to provide a passenger taxicab or limousine transportation service,
 - 3.** Provide or offer to provide any type of services in the residence of another person unless the provision of the service will be supervised; or
 - 4.** Operate or offer to operate any amusement ride.
- C.** A client shall not travel outside the state of Texas or their registering area without prior written approval from TCCO management.
- D.** A client shall not participate in any volunteer activities or volunteer any services without prior written approval from TCCO management.

VI. Driver License/Identification Requirements

- A.** A civil commitment client living outside the TCCC shall apply to the DPS in person for the issuance of an original or renewal personal identification (ID) card no later than thirty (30) calendar days after the date of release from a penal institution, TCCC, state hospital or state jail and annually renew.
- B.** A civil commitment client residing at the TCCC shall apply to the DPS for an issuance of an original or renewal personal identification (ID) card no later than thirty (30) calendar days after the date of release from a penal institution, state hospital or state jail. An identification card for a client residing at the TCCC expires on the sixth (6th) anniversary of the date of issuance.

- C. A client shall not obtain a Driver's License (DL) without approval of TCCO management. If a client is approved to obtain a DL, the client shall renew their DL prior to its expiration unless the privilege has been rescinded, whereas the client would obtain a personal ID.

VII. Registered Sex Offenders Attending School

- A. Clients shall not enroll in or attend a secondary school, or enroll in, attend or work in an institution of higher education, vocational school, online school or any type of school, without prior written approval from TCCO management.
- B. In the event a client is approved to attend a school or allowed to work at an institution of higher education, vocational school, online school or any type of school the client shall report that fact to the authority for Campus Security, if one exists **and** local law enforcement not later than the seventh (7th) calendar day after enrolling or working at the school.
- C. The client shall notify the Campus Security and local law enforcement not later than the seventh (7th) calendar day after terminating as a worker or student.
- D. The Case Manager shall complete a TCCO-09-16 and submit it to the local law enforcement verification agency within three (3) business days **and** contact the Campus Security no later than seven (7) calendar days after the client enrolled, began working, enters or terminates as a student or worker to verify the client reported their status to them.

VIII. Registered Sex Offenders Traveling Outside the Registering Area

- A. If a client has received authorization and is working, volunteering, or attending school in another state for a consecutive period exceeding fourteen (14) days or for an aggregate period exceeding thirty (30) days in a calendar year, the client shall, not later than the tenth (10th) calendar day after the client begins working, volunteering, or attending school, register with that state's local law enforcement authority as well as report the information to the law enforcement agency in which the client is registered. The Case Manager shall:
 - 1. Submit a TCCO-09-16 within three (3) business days of the change in status and send it to the local law enforcement verification agency; and
 - 2. Contact the out-of-state local law enforcement authority within ten (10) calendar days to verify the client has registered with them.
- B. When a client no longer works, volunteers, or attends school in another state, the client shall inform the local law enforcement agency in that state not later than the seventh (7th) calendar day after they stop working, volunteering, or attending school. The client shall also provide that status change to the law enforcement agency in which the client is registered. The Case Manager shall:
 - 1. Complete a TCCO-09-16 within three (3) business days of the change in status and send it to the local law enforcement verification agency; and
 - 2. Contact the out-of-state local law enforcement authority by the seventh (7th) calendar day to verify the client has informed them they are no longer working, attending, volunteering, or attending school.

- C. Clients who visit locations on at least three (3) occasions during any month and spend more than forty-eight (48) consecutive hours in a municipality or county other than the area in which the client is registered shall notify the local law enforcement authority and provide all of the information that is required under the registration statute before the last day of the month. The client shall also inform the law enforcement agency in the area they were visiting whether they intend to return to the municipality or county during the next month. The Case Manager shall contact the law enforcement registration unit in the visiting location by the last day of the month to verify the client provided all of the information that is required under the registration statute.

SIGNATURE ON FILE

Marsha McLane
Executive Director

Attachments

- Texas Department of Public Safety Pre-Release Notification Form (CR-32)
- Texas Department of Public Safety Sex Offender Registration Program form (CR-35)
- Notice of Sex Offender Registration Status Change (TCCO-09-16)