

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Treatment Division: Programming for Youth with Specialized Treatment Needs Rule: Sex Offender Registration ACA: N/A Statute(s): Code of Criminal Procedure, Chapter 62	Effective Date: 12/1/14 Page: 1 of 3 Replaces: GAP.380.8785, 11/1/11
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RULE

(a) **Purpose.**

The purpose of this rule is to provide criteria and procedures to ensure compliance with sex offender registration requirements as provided in [Chapter 62](#) of the Texas Code of Criminal Procedure, regarding registration of sex offenders who are in the custody of the Texas Juvenile Justice Department (TJJD).

(b) **Applicability.**

This rule applies only to youth who have a reportable adjudication as defined by Chapter 62 of the Texas Code of Criminal Procedure.

(c) **Definitions.**

As used in this rule, the following terms have the following meanings, unless the context clearly indicates otherwise.

- (1) **Reportable Adjudication**--an adjudication of delinquent conduct for any of the offenses listed in [Article 62.001](#), Texas Code of Criminal Procedure.
- (2) **Full Registration**--a youth has a reportable adjudication and is required to register as a sex offender and verify registration with the local law enforcement authority.
- (3) **Non-Public Registration**--a youth has a reportable adjudication and is required to register as a sex offender but the registration information is not public information.
- (4) **Deferred Registration**--a youth has a reportable adjudication but the court has issued an order deferring the decision on whether to require registration.
- (5) **Excused or Waived Registration**--a youth has a reportable adjudication but is not required to register as a sex offender because there is a court order exempting his/her duty to register.
- (6) **Completion of Treatment for a Sex Offense**--a youth has successfully completed treatment for the sex offense when a licensed sex offender treatment provider verifies that the youth has, while in a secure residential TJJD placement, successfully completed a sexual behavior treatment program as identified in the youth's individual treatment plan.

(d) **General Provisions.**

- (1) Each youth who has a reportable adjudication will receive treatment for the sex offense while committed to TJJD.
- (2) TJJD submits sex offender registration information to the appropriate law enforcement agencies for each youth required by law or court order to register as a sex offender.

(e) Full Registration.

Before a youth with full registration requirements is released from a secure residential placement, TJJJ:

- (1) ensures that the level of risk to the community is determined and assigned according to §380.8787 of this title;
- (2) ensures that:
 - (A) all pre-release notifications located on the appropriate Texas Department of Public Safety (DPS) forms have been read and explained to the youth; and
 - (B) the youth has initialed and signed all appropriate forms; and
- (3) at least seven calendar days before the date of release from a secure residential placement:
 - (A) completes all sex offender registration forms required by DPS;
 - (B) sends the sex offender registration forms to:
 - (i) DPS; and
 - (ii) the appropriate local law enforcement authority in the county in which the youth is expected to reside; and
 - (C) ensures a complete set of fingerprints, using the sex offender registration/verification fingerprint card form approved by DPS, and a current photograph of the youth are sent to DPS.

(f) Non-Public Registration.

Before a youth with a non-public registration requirement is released from a secure residential placement, TJJJ:

- (1) completes full registration as described in subsection [\(e\)](#) of this section; and
- (2) includes a cover letter stating the youth's registration is non-public and a copy of the non-public sex offender registration court order with the registration information submitted to DPS and the appropriate local law enforcement authority in the county in which the youth is expected to reside.

(g) Deferred Registration.

- (1) For any youth with a deferred registration order:
 - (A) if the youth successfully completes treatment for the sex offense, TJJJ sends notification that the youth has completed treatment for the sex offense to the court that issued the deferred registration order and the district attorney within ten calendar days following verification of completion of treatment for the sex offense; or
 - (B) if the youth does not successfully complete treatment for the sex offense, not later than ten calendar days before release or discharge, TJJJ sends written notice to the court that issued the deferred registration court order and the prosecuting attorney stating that the youth did not successfully complete treatment for the sex offense; and
- (2) TJJJ completes all required registration documents and submits the registration information as described in subsection [\(e\)](#) or [\(f\)](#) of this section if required by law.

(h) Notification of Changes in Status.

- (1) If TJJJ receives information that a youth who is required to register as a sex offender has any changes which affect proper supervision of the youth such as name changes, changes to physical health, job, incarceration, or conditions of parole, TJJJ notifies the local law enforcement authority of the change(s) on the appropriate DPS sex offender registration form within ten calendar days following receipt of the information.
- (2) If TJJJ receives information that a youth who is required to register as a sex offender has changed or intends to change address, TJJJ notifies the local law enforcement authority of the change on the appropriate DPS sex offender registration form:
 - (A) at least seven calendar days before the change of address; or
 - (B) no more than three calendar days after obtaining the information if the information was not known prior to the change of address.

(i) Interstate Compact for Juveniles.

- (1) For out-of-state youth who are accepted to reside in Texas under cooperative parole supervision and who have been adjudicated for an offense under the laws of another state or federal law that contains elements that are substantially similar to an offense requiring registration under Chapter 62 of the Texas Code of Criminal procedure:
 - (A) TJJJ ensures compliance with Texas laws requiring sex offender registration; and
 - (B) if the youth has an out-of-state order excusing sex offender registration, TJJJ completes full registration in Texas:
 - (i) unless the duty to register is waived or exempted by an order issued by a Texas court; or
 - (ii) until the duty to register expires.
- (2) For youth who are required to register as sex offenders in Texas and who are accepted to reside in other states under cooperative parole supervision, TJJJ notifies the appropriate registering agency in the receiving state of the youth's registration in Texas.

See TJJJ's [Sex Offender Registration Procedures](#) for implementation procedures.