



OFFICE OF THE GOVERNOR

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GOVERNOR

August 17, 2011

Linda M. Baldwin
Director
SMART Office
Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW, 6th Floor
Washington, D.C. 20531

Dear Ms. Baldwin:

Thank you for your July 28 letter inquiring about the implementation of the federal Sex Offender Registration and Notification Act (SORNA) in Texas. Although we in Texas certainly appreciate and agree with the stated goals of SORNA, the adoption of this "one-size-fits-all" federal legislation in Texas would in fact undermine the accomplishment of those objectives in Texas, just as it would in most other states.

As you may be aware, the bipartisan Texas Senate Committee on Criminal Justice (Committee) carefully considered the question of compliance with SORNA over the past two years. After extensive review, including the receipt of public testimony during several "well attended and informative" hearings, the Committee firmly recommended that the Texas Legislature should not implement SORNA in Texas. As the Committee explained in its Interim Report to the 82nd Legislature (*see* <http://www.senate.state.tx.us/75r/Senate/commit/c590/c590.htm>), implementation of SORNA would be both unnecessary and counter-productive in Texas because:

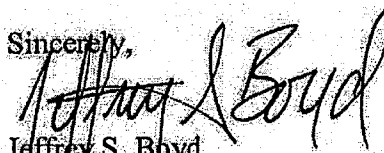
- Texas already has a comprehensive array of statutes to punish, supervise, and protect the public from sex offenders, including those that require registration and publication, community supervision, child safety zones, future risk assessments, and civil commitment for certain high-risk offenders. Indeed, Texas's sex offender laws are undeniably among the most stringent in the nation.
- SORNA's oversimplified registration and publication requirements, which apply based solely on the particular criminal offense, fail to accommodate for Texas's more appropriately tailored future risk assessments.

- By tying specific requirements, such as re-verification, DNA testing, and duration of registration, to offense "tiers," SORNA imposes expensive and burdensome requirements without regard to whether those requirements are necessary or appropriate in a particular case.
- By imposing such requirements in cases in which they are unnecessary, SORNA would create backlogs and strains on local law enforcement agencies that, as a practical matter, would effectively undermine the objectives that SORNA is intended to meet.
- In dealing with juvenile sex offenders, Texas law more appropriately provides for judges to determine whether registration would be beneficial to the community and the juvenile offender in a particular case.
- By imposing oversimplified blanket registration requirements, SORNA would make it more difficult for Texas to focus on and address the most dangerous sex offenders, who pose the greatest public threat. Moreover, SORNA does so while merely assuming that the requirements are necessary in all cases, while failing to account for the negative impacts that unnecessary registration has on both juvenile offenders and the children of low-risk adult offenders.
- Implementation of all of SORNA's requirements would cost Texas more than 30 times the amount of the federal funds that the federal government has threatened to withhold from Texas if it fails to comply.

For these reasons, Texas's sex offender laws are more effective in protecting Texans than SORNA's requirements would be. In short, while Texas shares the federal government's objectives, the oversimplified means by which SORNA seeks to meet those objectives, while costing Texans significantly more, would provide them with far less than Texas law already provides. While SORNA's approach might be appropriate for some states, it is not right for Texas.

In fact, we are advised that, to date, only 14 states have substantially implemented SORNA as the federal government has demanded. We would encourage you to consider that fact, as well as the information detailed in the Texas Senate Committee's report, as you evaluate the reality that there is a better way to achieve the goals that we share. We would look forward to discussing those alternatives with you.

Sincerely,



Jeffrey S. Boyd
General Counsel and Acting Chief of Staff