



Office of the Attorney General

State of Texas

September 16, 1996

DAN MORALES
ATTORNEY GENERAL

Ms. Gail Fenter
Assistant City Attorney
The City of Midland
P.O. Box 1152
Midland, Texas 79702

OR96-1669

Dear Ms. Fenter:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101428.

The City of Midland (the "city") received a request for information about a sex offender who was required to register with the city. Your question is whether section 5 of article 6252-13c.1, V.T.C.S., requires the city to release information about this particular offender, who registered under the statute prior to September 1, 1995. You have submitted the information at issue to this office for review.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." A sex offender is required by law to register with the local law enforcement authority in the municipality or county in which the sex offender intends to reside. V.T.C.S. art. 6252-13c.1, § 2(a). Registration consists of completing a form created and disseminated by the Department of Public Safety (the "department"). *Id.* § 2(b). The local law enforcement authority must forward a copy of all registration information to the department where the information is entered into the department's computerized central database. *Id.* §§ 2(c), 5(a). Section 5(b) explicitly deems certain portions of this information public, and section 5(c) requires a local law enforcement authority to release the public information upon request.

Prior to its amendment by the Seventy-fourth Legislature, article 6252-13c.1 provided that a person who releases the information required for sex offender registration to any person other than a law enforcement officer commits a Class B misdemeanor. Act of May 26, 1991, 72d Leg., R.S., ch. 572, § 1, 1991 Tex. Gen. Laws 2029, 2030, *amended by* Act of May 19, 1995, 74th Leg., R.S., ch. 258, § 6, 1995 Tex. Sess. Law Serv. 2197, 2201-02. When amending article 6252-13c.1, the Legislature made the following provision:

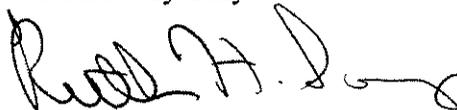
(a) Except as provided by Subsection (b) of this section, the change in law made by this Act to Article 6252-13c.1, Revised Statutes, applies only to a reportable conviction or adjudication as defined by Article 6252-13c.1, Revised Statutes, that occurs on or after the effective date of this Act or to an order of deferred adjudication for a person required to register under that article that is entered by the court on or after the effective date of this Act. A reportable conviction or adjudication that occurs before the effective date of this Act or an order of deferred adjudication that is entered before the effective date of this Act is covered by the law in effect when the conviction or adjudication occurred or the order was entered, and the former law is continued in effect for that purpose.

Act of May 19, 1995, 74th Leg., R.S., ch. 258, § 16, 1995 Tex. Sess. Law Serv. 2197, 2205. The effective date for the amended statute is September 1, 1995.

As the registration information at issue concerns a sex offender who was convicted prior to September 1, 1995, release of this information is governed by the law that was in effect at that time. Thus, releasing the registration information to the requestor would constitute a Class B misdemeanor, Act of May 26, 1991, 72d Leg., R.S., ch. 572, § 1, 1991 Tex. Gen. Laws 2029, 2030 (*amended* 1995). The requested information is confidential and excepted from public disclosure pursuant to section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 101428

Enclosures: Submitted document

cc: Ms. Shannon Rivver
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Midland, Texas 79711
(w/o enclosures)