



Office of the Attorney General
State of Texas

November 3, 1998

DAN MORALES
ATTORNEY GENERAL

Captain Robert Taylor
Amarillo Police Department
City of Amarillo
200 S.E. Third Avenue
Amarillo, Texas 79101-1514

OR98-2573

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 119136.

The City of Amarillo Police Department (the "department") received a request "to view the sex offender register maintained" by the department. The requestor seeks information in the register which includes "the offender's name, age, address, weight, hair color and eye color." In response to the request, you submit to this office for review what appears to be a representative sample of the information at issue.¹ You believe that certain information must be withheld from disclosure under chapter 62 of the Code of Criminal Procedure, specifically, the name of the sex offender. We have considered the exception and arguments you raise, and have reviewed the representative sample of the information at issue.

Article 62.02(b) of the Code of Criminal Procedure requires that the registration form on convicted sex offenders include the following information:

(1) the person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, social security number, driver's license number, shoe size, and home address;

(2) a photograph of the person and a complete set of the person's fingerprints;

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(3) the type of offense the person was convicted of, the age of the victim, the date of conviction, and the punishment received;

(4) an indication as to whether the person is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision; and

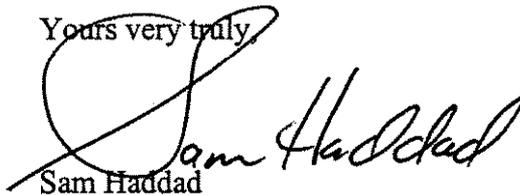
(5) any other information required by the department.

Article 62.08 of the Code of Criminal Procedure provides that all information contained in either an adult's or juvenile's sex offender registration form and subsequently entered into the Department of Public Safety database is *public* information and must be released upon written request, except for the registrant's photograph, social security number, driver's license number, numeric street address and telephone number, and any information that on its face would directly reveal the identity of the victim. *See* Open Records Decision No. 645 (1996). Therefore, information on the sex offender registration form is public except for the specific categories listed in article 62.08. Accordingly, the department must release only the following categories of information regarding each registered sex offender: the person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, shoe size, residential street name (but not number), the type of offense the person was convicted of, the age of the victim, the date of conviction, the punishment received, and information reflecting whether the person is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision.

In this instance, we note that except for the numeric street address, the remaining categories of information requested by the requestor fall within the type of information which is considered public under article 62.08. Accordingly, you may not withhold the registrants' name, age, residential street name, weight, hair color and eye color, information which is provided on the registration form and is public by statute. However, you must redact the numeric street addresses and other information subject to article 62.08 from the list of registered sex offenders.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/mjc

Ref.: ID# 119136

Enclosures: Submitted documents

cc: Ms. Cynthia Puckett
3612 Lenwood
Amarillo, Texas 79109-4612
(w/o enclosures)