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June 8, 1998

The Honorable Dan Morales
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711

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Opinion Committee
RQ-1152

Dear General Morales:

As the designated Interstate Compact on Juveniles (ICJ) administrator for the state of Texas, I am requesting your opinion regarding the applicability of the sex offender registration law to juveniles adjudicated in other states and supervised in Texas pursuant to the provisions of the ICJ.

A youth was adjudicated delinquent in California for conduct which would be considered Indecency with a Child in Texas. The youth was placed on probation in California and supervision was subsequently transferred to Texas through ICJ. The provisions of the ICJ provide that when supervision of a juvenile delinquent is transferred,

[E]ach receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

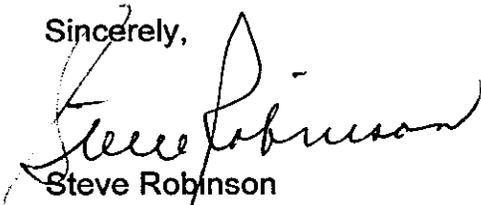
Tx. Family Code, §60.002, Art. VII(b). A youth adjudicated delinquent in Texas for the offense of Indecency with a Child is required to register as a sex offender because an adjudication of delinquency for such an offense in this state is specifically included in the definition of a "reportable conviction or adjudication" for purposes of the sex offender registration program. Code of Crim. Proc., Art. 62.01(5)(G). However, although the definition of "reportable conviction or adjudication" specifically includes an out-of-state conviction for conduct covered by the substantive offenses which are subject to the sex offender registration program, it does not mention an out-of-state adjudication of delinquency for such conduct. C.Cr.Pro., Art. 62.01(5)(I).

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Because the sex offender registration program does not include an out-of-state adjudication as a "reportable conviction or adjudication," this youth has challenged the authority of the local probation officer to require him to register as a sex offender. We request your determination as to whether the "like supervision" mandates of the ICJ or the definitions of the sex offender registration program take precedence in this situation, as there are numerous youth in this state under courtesy ICJ supervision for conduct which is otherwise covered by the sex offender registration program.

Questions or requests for additional information concerning this issue can be addressed to Pamela Smith, Staff Attorney, at (512) 424-6182.

Sincerely,



Steve Robinson
Executive Director, TYC
State Administrator, ICJ

/ps
lagrfoicj

cc: Ms. Vicki Spriggs, Director, Texas Juvenile Probation Commission
Col. Dudley M. Thomas, Director, Texas Department of Public Safety
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