

SUBCHAPTER L. EARLY TERMINATION FOR CERTAIN PERSONS' OBLIGATION TO REGISTER.

§810.301. Introduction.

(a) General. The provisions of this subchapter govern the procedures relating to the deregistration of individuals on the public registry for sex offenders in the State of Texas.

(b) Construction. These sections cover definitions, criteria for deregistration; guidelines for conducting deregistration assessments; and, the due process for determining if a registrant may deregister.

§810.302. Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Act--Code of Criminal Procedure, Chapter 62.401 et. seq. Termination of Certain Persons' Obligation to Register.

(2) Contact with Registrant: Clinical Interview--Face to face interview between the Licensed Sex Offender Treatment Provider and the Registrant.

(3) Deregistration--The early termination of an individual's obligation to register.

(4) Deregistration Candidate--An individual required to register who is undergoing a deregistration evaluation.

(5) Deregistration Criteria--The criteria established by the council to determine if a registrant is eligible for early termination of the obligation to register.

(6) Evaluation Specialist--A licensed sex offender treatment provider who is approved by the council to conduct deregistration evaluations.

(7) Instant Offense--The sexual offense that resulted in the registrant being required to be listed or included on the sex offender registry.

(8) Public Registry--The public registry of sex offenders in the State of Texas which is maintained by the Texas Department of Public Safety.

(9) Registrant--An individual who is required under Code of Criminal Procedure, Chapter 62, in the State of Texas.

§810.303. Administration of the Act. The council is responsible for providing the appropriate and necessary guidelines for deregistration including identifying who can deregister, the method where by registrants are evaluated for deregistration and the due process that must be followed to attain deregistration.

§810.304. Deregistration Eligibility. The council shall establish criteria to determine an individual's eligibility for early termination from the obligation to register. The council shall publish a list of eligibility criteria. Prior to participating in a deregistration evaluation, the registrant must obtain approval from the council that he or she is eligible for deregistration.

§810.305. Deregistration Decision Criteria. The council shall establish deregistration evaluation criteria to determine the risk level of the registrant.

§810.306. Evaluation Specialist. The council shall contract with licensed sex offender treatment providers to provide deregistration evaluation services.

§810.307. Deregistration Methodology. The Deregistration Evaluation Specialist shall submit the candidate's deregistration evaluation report to the council. The council shall review the report and determine if the report conforms to council criteria. The council shall certify reports that meet council criteria and send the certified report back to the attorney.

§810.308. Protocol Compliance. The council or its designee shall review each candidate's application and deregistration evaluation report in order to insure that these documents are in compliance with approved methodology and procedures. The council or its designee shall insure that all established requirements have been met by the candidate prior to approving the candidate to undergo a deregistration evaluation. The council or its designee shall also ensure that established deregistration evaluation criteria have been met prior to providing the candidate with the written evaluation report.