

**COUNCIL ON SEX OFFENDER TREATMENT**



**COUNCIL DIRECTIVE**

**NUMBER: 3.1**

**PAGE: 1 of 3 WITH ATTACHMENT**

**EFFECTIVE DATE: ADOPTED 12-9-10**

**SUPERCEDES: N/A**

**SUBJECT: COUNCIL DIRECTIVE REGARDING EARLY TERMINATION OF CERTAIN PERSONS OBLIGATED TO REGISTER**

**DIRECTIVE:** To establish the definitions and procedures regarding the minimum required registration period.

**DEFINITIONS:**

I. **ACT:** 2006 Federal Sex Offender Registration and Notification Act (SORNA) The act is cited as the Adam Walsh Protection and Safety Act (AWA) which superseded the 1994 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

II. **CLEAN RECORD-** The full registration period shall be reduced as described for a sex offender who maintains a clean record for the described PERIOD by the following:

- (A) not being convicted of any offense for which imprisonment for more than 1 year may be imposed as verified by a current federal and state criminal history check;
  - (B) not being convicted of any additional sex offense;
  - (C) successfully completing an appropriate sex offender treatment program certified by a jurisdiction and sex offender treatment provider; and
  - (D) successfully completing any periods of supervised release, probation, and parole.
- Any revocation disqualifies the offender.

III. **DURATION OF REGISTRATION REQUIREMENT-FULL REGISTRATION PERIOD-** A sex offender shall keep the registration current for the full registration period (excluding any time the sex offender is in custody or civilly committed) unless the offender is allowed a reduction.

**IV. MINIMUM PERIOD-**

(A) **Tier I:** registration for 15 years post-discharge, verification once annually, may petition for early termination under Code of Criminal Procedure, Art. 62.404 after 10 years if the following requirements are met: a clean record (see federal and state definitions and statutes), submits to an individual risk assessment under Code of Criminal Procedure, Art. 62.403, and files a motion with the trial court that sentenced the person.

(B) **Tier II:** registration for 25 years post-discharge, verification semiannually, may petition for early termination if the following requirements are met [after 25 years federal requirement], submits to an individual risk assessment under Code of Criminal Procedure, Art. 62.403, and files a motion with the trial court that sentenced the person.

(C) **Tier III:** registration for life, verification quarterly, and no early termination from the duty to register for adults.

**V. SEX OFFENDER TREATMENT** -Treatment modalities that are based on empirical research with regard to favorable treatment outcomes and are professionally accepted in the field of sex offender treatment and the treatment of juveniles with sexual behavior problems. Offense specific treatment means a long-term comprehensive set of planned treatment experiences and interventions that modify sexually deviant thoughts, fantasies, and behaviors and that utilize specific strategies to promote change and to reduce the chance of re-offending. Currently, the primary treatment modality is cognitive behavioral group treatment. Sex offender treatment does not include rehabilitation or clinical services provided in a criminal justice or juvenile justice institution as a part of the mainstream adjunct treatment programs.

**VI. SUCCESSFUL COMPLETION OF SEX OFFENDER SPECIFIC TREATMENT-**

Successful Completion of Sex Offender Specific Treatment--May include but is not limited to admitting and accepting responsibility for all crimes, demonstrating the ability to control deviant sexual arousal, understanding sexual offense, increase in pro-social behaviors, increase in appropriate support systems, improved social competency, compliance with supervision, compliance with court conditions, increased understanding of victimization, no deception indicated on exit polygraphs, the indication of a non-deceptive examination result on the sex history polygraph, approved safety plans, approved reoffense prevention plans, successful completion of adjunct treatments (for example: anger management, substance abuse, etc.), and the demonstrated integration and practical application of the skills presented in treatment. Each of these issues regarding successful completion of treatment shall be addressed unless precluded by §810.65 of this title (relating to the Assessment and Treatment of Juveniles with Sexual Behavior Problems), §810.67 of this title (relating to the Assessment and Treatment Standards for Developmentally Delayed Clients), or unless a state agency is exempt from a specific licensing requirement. The Licensed Sex Offender Treatment Provider after collaborating with appropriate criminal/juvenile justice personnel determines the successful completion of treatment.

**PROCEDURE:**

- I. The Council by rule shall determine the minimum required federal registration period for each reportable conviction or adjudication under the Code of Criminal Procedure, Chapter 62.401 et. seq.
- II. The Council shall compile a list of reportable convictions or adjudications for which the person must register for a period that exceeds the minimum required registration period under federal law. See attachment.
- III. To the extent possible, the Council shall periodically verify with the Bureau of Justice Assistance or other appropriate federal agency the accuracy of the list of reportable convictions or adjudications.
- IV. The Council shall publish an "Eligibility Checklist" for person seeking Early Termination of Certain Persons Obligated to Register.
- V. The attorney of record shall complete and submit to the Council "the Eligibility Checklist" and a formal request for an initial eligibility review.
- VI. The individual shall pay a fee of \$50.00 to the Council for the review of the individual's eligibility criteria.

- VII. The Council or designee shall review the information and determine if the individual has met the minimum required registration period under federal law and determine if the individual has met the definition of a “Clean Record”.
- VIII. The attorney shall obtain approval in writing from the Council that the individual is eligible for a deregistration evaluation.
- IX. If the individual is determined to be eligible for an evaluation, the Council shall provide a list of licensed sex offender treatment providers who are qualified as “Evaluation Specialists” to conduct a risk assessment under the Code of Criminal Procedures, Art. 62.403. If the individual is determined not to be eligible, the Council shall provide written documentation for the reason.
- X. After the evaluation is conducted, the License Sex Offender Treatment Provider shall provide a certified copy of the report to the Council and the candidate shall pay a fee of \$50.00 to the Council for the review of the evaluation.
- XI. The Council shall review the report and determine if the report conforms to Council’s methodology criteria.
- XII. The Council shall certify reports that meet the criteria and send the certified report back to the attorney. If the report does not meet the criteria, the Council shall provide to the Deregistration Evaluation Specialist in writing the deficiencies within the report.

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Chairperson’s Signature

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Date