

1-1 By: Perry S.B. No. 906
1-2 (In the Senate - Filed March 1, 2021; March 11, 2021, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 15, 2021, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 15, 2021,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Bettencourt	X		
1-12	Birdwell	X		
1-13	Hinojosa	X		
1-14	Miles		X	
1-15	Nichols		X	

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 906 By: Huffman

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the civil commitment of sexually violent predators.
1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-21 SECTION 1. Article 62.055, Code of Criminal Procedure, is
1-22 amended by amending Subsection (a) and adding Subsection (j) to
1-23 read as follows:
1-24 (a) If a person, other than a person described by Subsection
1-25 (j), required to register under this chapter intends to change
1-26 address, regardless of whether the person intends to move to
1-27 another state, the person shall, not later than the seventh day
1-28 before the intended change, report in person to the local law
1-29 enforcement authority designated as the person's primary
1-30 registration authority by the department and to the juvenile
1-31 probation officer, community supervision and corrections
1-32 department officer, or parole officer supervising the person and
1-33 provide the authority and the officer with the person's anticipated
1-34 move date and new address. If a person, other than a person
1-35 described by Subsection (j), required to register changes address,
1-36 the person shall, not later than the later of the seventh day after
1-37 changing the address or the first date the applicable local law
1-38 enforcement authority by policy allows the person to report, report
1-39 in person to the local law enforcement authority in the
1-40 municipality or county in which the person's new residence is
1-41 located and provide the authority with proof of identity and proof
1-42 of residence.
1-43 (j) The Texas Civil Commitment Office shall report a change
1-44 in address to each local law enforcement authority serving as the
1-45 current or proposed primary registration authority for a person
1-46 required to register under this chapter who is:
1-47 (1) civilly committed as a sexually violent predator
1-48 under Chapter 841, Health and Safety Code; and
1-49 (2) required to reside in a location other than a civil
1-50 commitment center by:
1-51 (A) a court under Chapter 574, Health and Safety
1-52 Code; or
1-53 (B) the Texas Civil Commitment Office.
1-54 SECTION 2. Sections 841.0834(b) and (d), Health and Safety
1-55 Code, are amended to read as follows:
1-56 (b) Without the office's approval, a committed person may
1-57 file a petition with the court for transfer to less restrictive
1-58 housing and supervision. The court shall grant the transfer if the
1-59 court determines that the transfer is in the best interests of the
1-60 person and conditions can be imposed that adequately protect the

2-1 community. A committed person who files a petition under this
 2-2 subsection shall serve a copy of the petition on the office.

2-3 (d) Not later than the 90th day after the date a [A]
 2-4 committed person is returned to a more restrictive setting under
 2-5 Subsection (c), the committing court shall hold a hearing via
 2-6 videoconference to [is entitled to file a petition with the court
 2-7 seeking] review [of] the office's determination. The court shall
 2-8 order the office to transfer the person to less restrictive housing
 2-9 and supervision only if the court determines by clear and
 2-10 convincing evidence that the office's determination was not made in
 2-11 accordance with Subsection (c). The committed person may waive the
 2-12 right to a hearing under this subsection.

2-13 SECTION 3. Section 841.0837, Health and Safety Code, is
 2-14 amended to read as follows:

2-15 Sec. 841.0837. EMERGENCY DETENTION ORDER. The [-(a) In this
 2-16 section, "peace officer" has the meaning assigned by Article 2.12,
 2-17 Code of Criminal Procedure.

2-18 [(b) For the purpose of returning a committed person to a
 2-19 more restrictive setting following a transfer to less restrictive
 2-20 housing and supervision under Section 841.0834 or a release under
 2-21 Section 841.0836, the] office may issue an emergency detention
 2-22 order for a committed [the] person's immediate apprehension and
 2-23 transportation to an office-designated [a] location for the purpose
 2-24 of:

2-25 (1) returning the person to a more restrictive setting
 2-26 following:

2-27 (A) a transfer to less restrictive housing and
 2-28 supervision under Section 841.0834; or

2-29 (B) a release under Section 841.0836; or

2-30 (2) for a recently committed person who is not in the
 2-31 custody of the Texas Department of Criminal Justice at the time the
 2-32 commitment order is entered, bringing the person under the
 2-33 supervision of [designated by] the office.

2-34 SECTION 4. Section 841.084, Health and Safety Code, is
 2-35 amended by adding Subsection (c) to read as follows:

2-36 (c) A committed person, on request, shall provide to the
 2-37 office any financial records or other information regarding the
 2-38 person's income, assets, and expenses to assist the office in
 2-39 determining whether the person is indigent for purposes of this
 2-40 section.

2-41 SECTION 5. Section 841.151, Health and Safety Code, is
 2-42 amended by amending Subsection (c) and adding Subsection (c-1) to
 2-43 read as follows:

2-44 (c) Except as provided by Subsection (c-1), as [As] soon as
 2-45 practicable before, but not later than the third business day
 2-46 preceding, the date a correctional facility, secure correctional
 2-47 facility, or secure detention facility releases a person who, at
 2-48 the time of the person's detention or confinement, was civilly
 2-49 committed under this chapter as a sexually violent predator, the
 2-50 facility shall notify the office and the person's case manager in
 2-51 writing of the anticipated date and time of the person's release.

2-52 (c-1) Subsection (c) does not apply with respect to a person
 2-53 whom a court orders to be immediately released from a correctional
 2-54 facility, secure correctional facility, or secure detention
 2-55 facility.

2-56 SECTION 6. Section 841.0834(e), Health and Safety Code, is
 2-57 repealed.

2-58 SECTION 7. Section 841.0834, Health and Safety Code, as
 2-59 amended by this Act, applies only to a petition for transfer that is
 2-60 filed or to a return to a more restrictive setting that occurs on or
 2-61 after the effective date of this Act. A petition filed or a return
 2-62 that occurs before the effective date of this Act is governed by the
 2-63 law in effect on the date the petition was filed or the return
 2-64 occurred, and the former law is continued in effect for that
 2-65 purpose.

2-66 SECTION 8. Section 841.151, Health and Safety Code, as
 2-67 amended by this Act, applies only to the release of a committed
 2-68 person that occurs on or after the effective date of this Act. The
 2-69 release of a committed person that occurs before the effective date

3-1 of this Act is governed by the law in effect on the date the person
3-2 was released, and the former law is continued in effect for that
3-3 purpose.

3-4 SECTION 9. This Act takes effect September 1, 2021.

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