

By: Goolsby

H.B. No. 3446

A BILL TO BE ENTITLED

AN ACT

relating to the civil commitment of sexually violent predators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 841.002(8), Health and Safety Code, is amended to read as follows:

(8) "Sexually violent offense" means:

(A) an offense under Section 21.11(a)(1), 22.011, or 22.021, Penal Code

(B) an offense under Section 20.03(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually;

(C) an offense under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with the intent to commit an offense listed in Paragraph (A), (B), ~~(C)~~, or (G);

(D) an attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense listed in Paragraph (A), (B), (C), ~~(D)~~ or (G);

(E) an offense under prior state law that contains elements substantially similar to the elements of an offense listed in Paragraph (A), (B), (C), ~~(D)~~, or (G);

(F) an offense under the law of another state, federal law, or the Uniform Code of Military Justice that contains elements substantially similar to the elements of an offense listed

1 in Paragraph (A), (B), (C), [~~or~~] (D), or (G);

2 (G) an offense that is a violation of Section
3 19.02 (murder) or Section 19.03 (capital murder), Penal Code, if
4 the evidence indicates that the defendant committed the offense
5 with intent to violate or abuse the victim sexually and prior to the
6 defendant's release from the institutional division, the
7 prosecuting authority for the county of convictions notifies the
8 Texas Department of Criminal Justice Sexual Offender Treatment
9 Program that the murder or capital murder was a sexually violent
10 offense.

11 SECTION 2. Section 841.003, Health and Safety Code, is
12 amended by adding Section 841.003(e) as follows:

13 (c) A person is a repeat sexually violent offender for the
14 purposes of this chapter if the person is convicted of murder or
15 capital murder under Section 841.002(8)G, and has committed one or
16 more additional sexually violent offenses.

17 SECTION 3. This Act takes effect September 1, 2003.