

By: Uresti

H.B. No. 1858

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the prosecution, treatment, and rehabilitation of  
3 certain sex offenders.

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

5 SECTION 1. Subchapter C, Chapter 501, Government Code, is  
6 amended by adding Section 501.094 to read as follows:

7 Sec. 501.094. MANDATORY TREATMENT FOR SEX OFFENDERS. (a)  
8 The institutional division shall establish a program to confine,  
9 treat, and rehabilitate any inmate determined by the division to be  
10 serving a sentence for an offense requiring registration under  
11 Chapter 62, Code of Criminal Procedure. The program is for the  
12 identification and treatment of mental illnesses, behaviors, or  
13 other factors that gave rise or contributed to an inmate's  
14 committing an offense requiring registration under Chapter 62, Code  
15 of Criminal Procedure, and is in addition to educational and other  
16 treatment services provided to an inmate.

17 (b) The institutional division and the Council on Sex  
18 Offender Treatment shall jointly develop methods of screening and  
19 assessing inmates to determine each inmate's specific treatment  
20 needs. The institutional division shall assess each inmate who is  
21 serving a sentence for an offense requiring registration under  
22 Chapter 62, Code of Criminal Procedure, and shall determine the  
23 severity of the problem and the need for treatment.

24 (c) The program provided under this section must contain

1 highly structured work, education, and treatment schedules, a  
2 clearly delineated authority structure, and well-defined goals and  
3 guidelines. The institutional division shall establish a graded  
4 system of rewards and sanctions for an inmate who participates in  
5 the program.

6 (d) The institutional division shall employ or contract  
7 with qualified professionals to implement the program. For  
8 purposes of this subsection, a "qualified professional" is a person  
9 who is eligible to be included in the registry of sex offender  
10 treatment providers maintained under Chapter 110, Occupations  
11 Code.

12 SECTION 2. Subchapter B, Chapter 507, Government Code, is  
13 amended by adding Section 507.034 to read as follows:

14 Sec. 507.034. MANDATORY TREATMENT FOR SEX OFFENDERS. (a)  
15 The state jail division shall establish a program to confine,  
16 treat, and rehabilitate any defendant determined by the division to  
17 be serving a sentence for an offense requiring registration under  
18 Chapter 62, Code of Criminal Procedure. The program is for the  
19 identification and treatment of mental illnesses, behaviors, or  
20 other factors that gave rise or contributed to a defendant's  
21 committing an offense requiring registration under Chapter 62, Code  
22 of Criminal Procedure, and is in addition to educational and other  
23 treatment services provided to a defendant.

24 (b) The state jail division and the Council on Sex Offender  
25 Treatment shall jointly develop methods of screening and assessing  
26 defendants to determine each defendant's specific treatment needs.  
27 The state jail division shall assess each defendant who is serving a

1 sentence for an offense requiring registration under Chapter 62,  
2 Code of Criminal Procedure, and shall determine the severity of the  
3 problem and the need for treatment.

4 (c) The program provided under this section must contain  
5 highly structured work, education, and treatment schedules, a  
6 clearly delineated authority structure, and well-defined goals and  
7 guidelines. The state jail division shall establish a graded  
8 system of rewards and sanctions for a defendant who participates in  
9 the program.

10 (d) The state jail division shall employ or contract with  
11 qualified professionals to implement the program. For purposes of  
12 this subsection, a "qualified professional" is a person who is  
13 eligible to be included in the registry of sex offender treatment  
14 providers maintained under Chapter 110, Occupations Code.

15 SECTION 3. Section 43.26(d), Penal Code, is amended to read  
16 as follows:

17 (d) An offense under Subsection (a) is a felony of the  
18 second [~~third~~] degree.

19 SECTION 4. The change in law made by Section 43.26(d), Penal  
20 Code, as amended by this Act, applies only to an offense committed  
21 on or after the effective date of this Act. An offense committed  
22 before the effective date of this Act is covered by the law in  
23 effect at the time the offense was committed, and the former law is  
24 continued in effect for that purpose. For purposes of this section,  
25 an offense was committed before the effective date of this Act if  
26 any element of the offense was committed before that date.

27 SECTION 5. This Act takes effect September 1, 2005.