

By: Allen of Dallas

H.B. No. 1921

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, Health and Safety Code, is amended by adding Subdivision (7-a) and amending Subdivision (8) to read as follows:

(7-a) "Sexually motivated conduct" means any conduct involving the intent to arouse or gratify the sexual desire of any person immediately before, during, or immediately after the commission of an offense.

(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 20.04(a)(4), Penal Code, if the person [~~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 person [~~defendant~~] committed the offense with the intent to commit an offense listed in Paragraph (A) or (B);

(D) an offense under Section 19.02, 19.03, 20.03, or 20.04, Penal Code, that, during the guilt or innocence phase or the punishment phase for the offense, during the adjudication or disposition of delinquent conduct constituting the offense, or

1 subsequently during a civil commitment proceeding under Subchapter  
2 D, is determined beyond a reasonable doubt to have been based on  
3 sexually motivated conduct;

4 (E) [~~(D)~~] an attempt, conspiracy, or  
5 solicitation, as defined by Chapter 15, Penal Code, to commit an  
6 offense listed in Paragraph (A), (B), [~~(C)~~], or (D);

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

10 (G) [~~(F)~~] an offense under the law of another  
11 state, federal law, or the Uniform Code of Military Justice that  
12 contains elements substantially similar to the elements of an  
13 offense listed in Paragraph (A), (B), (C), [~~(D)~~], or (E).

14 SECTION 2. Sections 841.021(a) and (b), Health and Safety  
15 Code, are amended to read as follows:

16 (a) Before the person's anticipated release date, the Texas  
17 Department of Criminal Justice shall give to the multidisciplinary  
18 team established under Section 841.022 written notice of the  
19 anticipated release of a person who:

20 (1) is serving a sentence for:

21 (A) a sexually violent offense described by  
22 Section 841.002(8)(A), (B), or (C); or

23 (B) what is, or as described by this chapter what  
24 the department reasonably believes may be determined to be, a  
25 sexually violent offense described by Section 841.002(8)(D); and

26 (2) may be a repeat sexually violent offender.

27 (b) Before the person's anticipated discharge date, the

1 Texas Department of Mental Health and Mental Retardation shall give  
2 to the multidisciplinary team established under Section 841.022  
3 written notice of the anticipated discharge of a person who:

4 (1) is committed to the department after having been  
5 adjudged not guilty by reason of insanity of:

6 (A) a sexually violent offense described by  
7 Section 841.002(8)(A), (B), or (C); or

8 (B) what is, or as described by this chapter what  
9 the department reasonably believes may be determined to be, a  
10 sexually violent offense described by Section 841.002(8)(D); and

11 (2) may be a repeat sexually violent offender.

12 SECTION 3. The change in law made by this Act applies only  
13 to an individual who on or after September 1, 2005, is serving a  
14 sentence in the Texas Department of Criminal Justice or is  
15 committed to the Texas Department of Mental Health and Mental  
16 Retardation for an offense committed before, on, or after the  
17 effective date of this Act.

18 SECTION 4. This Act takes effect September 1, 2005.