

By: Allen of Dallas

H.B. No. 2036

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of sex offender treatment providers and the treatment of sex offenders; providing a penalty.

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

SECTION 1. Chapter 1, Health and Safety Code, is amended by adding Section 1.005 to read as follows:

Sec. 1.005. DEFINITION. In this code, "licensed practitioner" includes a sex offender treatment provider who is licensed under Chapter 110, Occupations Code.

SECTION 2. Subchapter B, Chapter 109, Occupations Code, is amended by adding Section 109.054 to read as follows:

Sec. 109.054. TREATMENT INFORMATION. In this subchapter, information concerning the treatment of a sex offender includes:

(1) criminal history;

(2) the discharge summary;

(3) the official offense report;

(4) progress reports;

(5) test results;

(6) victim statements; and

(7) any other information necessary for the treatment of the sex offender.

SECTION 3. Section 110.001, Occupations Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Executive director" means the executive

1 director of the council.

2 SECTION 4. Section 110.051(b), Occupations Code, is amended
3 to conform to Section 42.01, Chapter 1170, Acts of the 78th
4 Legislature, Regular Session, 2003, and further amended to read as
5 follows:

6 (b) The council consists of seven [~~six~~] part-time members,
7 appointed by the governor with the advice and consent of the senate
8 as follows:

9 (1) three [~~two~~] representatives of the public; and

10 (2) four members each of whom meets the requirements
11 for a license [~~registration~~] as a sex offender treatment provider
12 under this chapter.

13 SECTION 5. Section 110.052, Occupations Code, is amended to
14 read as follows:

15 Sec. 110.052. PUBLIC MEMBERSHIP ELIGIBILITY. A person is
16 not eligible for appointment as a public member if:

17 (1) the person meets the requirements for a license
18 [~~registration~~] as a sex offender treatment provider under this
19 chapter; or

20 (2) the person or the person's spouse:

21 (A) is registered, certified, or licensed by an
22 occupational regulatory agency in the field of sex offender
23 treatment;

24 (B) is employed by or participates in the
25 management of a business entity or other organization regulated by
26 the council or receiving funds from the council;

27 (C) owns or controls, directly or indirectly,

1 more than a 10 percent interest in a business entity or other
2 organization regulated by the council or receiving funds from the
3 council; or

4 (D) uses or receives a substantial amount of
5 tangible goods, services, or funds from the council, other than
6 compensation or reimbursement authorized by law for council
7 membership, attendance, or expenses.

8 SECTION 6. Section 110.054, Occupations Code, is amended to
9 conform to Section 42.02, Chapter 1170, Acts of the 78th
10 Legislature, Regular Session, 2003, to read as follows:

11 Sec. 110.054. TERMS. Members of the council serve
12 staggered six-year terms. The terms of two or three members expire
13 on February 1 of each odd-numbered year.

14 SECTION 7. Section 110.151, Occupations Code, is amended to
15 read as follows:

16 Sec. 110.151. TREATMENT FOR SEX OFFENDERS. The council
17 shall:

18 (1) develop treatment strategies for sex offenders by
19 evaluating in-state and out-of-state programs for sex offender
20 treatment;

21 (2) set standards for treatment of sex offenders that
22 must be met by sex offender treatment providers to be eligible for a
23 license under this chapter [~~inclusion in the council's registry~~];
24 and

25 (3) recommend to licensing and regulatory boards and
26 to the directors of current programs methods of improving programs
27 to meet council standards.

1 SECTION 8. Section 110.152, Occupations Code, is amended to
2 read as follows:

3 Sec. 110.152. LIST [~~REGISTRY~~] AND LICENSE [~~REGISTRATION~~]
4 REQUIREMENTS. The council shall:

5 (1) maintain a list of sex offender treatment
6 providers under Section 110.161 [~~registry~~]; and

7 (2) develop and implement by rule under Subchapter G:

8 (A) license [~~registration~~] requirements; and

9 (B) procedures for sex offender treatment
10 providers [~~in the registry~~].

11 SECTION 9. Section 110.159(b), Occupations Code, is amended
12 to read as follows:

13 (b) Fees charged and collected by the council under this
14 section may include:

15 (1) sex offender treatment provider license
16 [~~registration~~] and renewal fees;

17 (2) training fees;

18 (3) publication fees; and

19 (4) fees for providing continuing education and other
20 services to sex offender treatment providers.

21 SECTION 10. Section 110.161, Occupations Code, is amended
22 to read as follows:

23 Sec. 110.161. PUBLICATION OF LIST [~~REGISTRY~~]. (a) The
24 council shall prepare annually a list of [~~registered~~] sex offender
25 treatment providers.

26 (b) The council by rule shall establish procedures for
27 developing and distributing the list of [~~registered~~] sex offender

1 treatment providers.

2 (c) The council, on request, shall make the list of
3 ~~[registered]~~ sex offender treatment providers available on payment
4 of a reasonable fee in an amount sufficient to cover the costs of
5 printing and distribution.

6 SECTION 11. Section 110.253, Occupations Code, is amended
7 to read as follows:

8 Sec. 110.253. COMPLAINTS. The council by rule shall
9 establish methods by which consumers and service recipients are
10 notified of the name, mailing address, and telephone number of the
11 council for the purpose of directing complaints to the council. The
12 council may provide for that notice:

13 (1) on each license ~~[registration]~~ form, application,
14 or written contract for services of a person regulated under this
15 chapter;

16 (2) on a sign prominently displayed in the place of
17 business of each person regulated under this chapter; or

18 (3) in a bill for service provided by a person
19 regulated under this chapter.

20 SECTION 12. The heading to Subchapter G, Chapter 110,
21 Occupations Code, is amended to read as follows:

22 SUBCHAPTER G. SEX OFFENDER TREATMENT PROVIDER LICENSE ~~[REGISTRY]~~

23 SECTION 13. Section 110.301, Occupations Code, is amended
24 to read as follows:

25 Sec. 110.301. LICENSE ~~[USE OF TITLE, REGISTRATION]~~
26 REQUIRED. (a) A person may not provide a rehabilitation service or
27 act as a sex offender treatment provider unless the person is

1 licensed under this chapter.

2 (b) A person may not claim to be a sex offender treatment
3 provider, or use the title "sex offender treatment provider" or a
4 similar title or an abbreviation that implies the person is a sex
5 offender treatment provider, unless the person is licensed under
6 this chapter [~~listed in the registry~~].

7 SECTION 14. Section 110.302, Occupations Code, is amended
8 to read as follows:

9 Sec. 110.302. LICENSE REQUIREMENTS [~~ELIGIBILITY FOR~~
10 ~~REGISTRATION~~]. (a) The council by rule shall develop procedures
11 and eligibility and other requirements for issuance of a license
12 under this chapter [~~inclusion in the registry~~], including, if
13 appropriate, requirements related to clinical practice experience
14 and assessment, continuing education, and supervision.

15 (b) In developing the rules, the council shall coordinate
16 with the Texas Department of Criminal Justice, the Texas Youth
17 Commission, and the Texas Juvenile Probation Commission.

18 (c) The Texas Board of Criminal Justice or the governing
19 board of the Texas Youth Commission may vote to exempt employees of
20 the Texas Department of Criminal Justice or the Texas Youth
21 Commission, as appropriate, from a specific licensing requirement
22 imposed under this section if the board determines that the
23 requirement causes financial or operational hardship on the agency.

24 SECTION 15. Section 110.303, Occupations Code, is amended
25 to read as follows:

26 Sec. 110.303. LICENSE [~~REGISTRATION~~] OF OUT-OF-STATE
27 APPLICANTS. The council may waive any prerequisite to a license

1 ~~[registration]~~ for an applicant after reviewing the applicant's
2 credentials and determining that the applicant holds a valid
3 license ~~[registration]~~ from another state that has license
4 ~~[registration]~~ requirements substantially equivalent to those of
5 this state.

6 SECTION 16. Section 110.304, Occupations Code, is amended
7 to read as follows:

8 Sec. 110.304. CONVICTION OR DEFERRED ADJUDICATION
9 INFORMATION. The council may receive from a law enforcement agency
10 information about the conviction or deferred adjudication of a
11 person who has applied for a license ~~[registration]~~ or renewal of a
12 license ~~[registration]~~.

13 SECTION 17. Section 110.305, Occupations Code, is amended
14 to read as follows:

15 Sec. 110.305. LICENSE ~~[REGISTRATION]~~ EXPIRATION. (a) The
16 council by rule may adopt a system under which licenses
17 ~~[registrations]~~ expire on various dates during the year.

18 (b) For the year in which the license ~~[registration]~~
19 expiration date is changed, license ~~[registration]~~ fees shall be
20 prorated on a monthly basis so that each person pays only that
21 portion of the license ~~[registration]~~ fee allocable to the number
22 of months during which the license ~~[registration]~~ is valid.

23 (c) On renewal of a license ~~[registration]~~ on the new
24 expiration date, the total license ~~[registration]~~ renewal fee is
25 payable.

26 SECTION 18. Section 110.306, Occupations Code, is amended
27 to read as follows:

1 Sec. 110.306. LICENSE [~~REGISTRATION~~] RENEWAL REQUIRED. A
2 person whose license [~~registration~~] has expired may not engage in
3 activities that require a license [~~registration~~] until the license
4 [~~registration~~] is renewed.

5 SECTION 19. Section 110.307, Occupations Code, is amended
6 to read as follows:

7 Sec. 110.307. PROCEDURE FOR RENEWAL. (a) Not later than
8 the 30th day before the expiration date of a person's license
9 [~~registration~~], the council shall send written notice of the
10 license [~~registration~~] expiration to the person at the person's
11 last known address according to the records of the council.

12 (b) A person who is otherwise eligible to renew a license
13 [~~registration~~] may renew an unexpired license [~~registration~~] by
14 paying the required license [~~registration~~] fee to the council
15 before the license [~~registration~~] expiration date.

16 (c) A person who is otherwise eligible to renew a license
17 [~~registration~~] and whose license [~~registration~~] has been expired
18 for:

19 (1) 90 days or less, may renew the license
20 [~~registration~~] by paying to the council a fee equal to one and
21 one-half times the required renewal fee; and

22 (2) longer than 90 days but less than one year, may
23 renew the license [~~registration~~] by paying to the council a fee
24 equal to two times the required renewal fee.

25 (d) Except as provided by Section 110.308, a person whose
26 license [~~registration~~] has been expired for one year or longer may
27 not renew the license [~~registration~~]. The person may obtain a new

1 license [~~registration~~] by submitting to reexamination and
2 complying with the requirements and procedures for obtaining an
3 original license [~~registration~~].

4 SECTION 20. Section 110.308, Occupations Code, is amended
5 to read as follows:

6 Sec. 110.308. RENEWAL OF EXPIRED LICENSE [~~REGISTRATION~~] BY
7 OUT-OF-STATE PRACTITIONER. A person whose license [~~registration~~]
8 has been expired for one year or longer may renew the license
9 [~~registration~~] without complying with the requirements of Section
10 110.307(d) by paying to the council a fee equal to two times the
11 required renewal fee if the person:

- 12 (1) was licensed [~~registered~~] in this state;
- 13 (2) moved to another state; and
- 14 (3) has been licensed [~~registered~~] and in practice in
15 the other state for two years preceding the date of application for
16 renewal.

17 SECTION 21. Section 110.309, Occupations Code, is amended
18 to read as follows:

19 Sec. 110.309. DENIAL OF LICENSE [~~REGISTRATION~~]. The
20 council may deny an application for a license [~~registration~~] if:

- 21 (1) the council determines that a previous criminal
22 conviction or deferred adjudication indicates the applicant is not
23 qualified or suitable; or
- 24 (2) the applicant fails to provide the information
25 described by Section 110.156(a)(1).

26 SECTION 22. Section 110.351, Occupations Code, is amended
27 to read as follows:

1 Sec. 110.351. DISCIPLINARY POWERS OF COUNCIL. The council
2 shall revoke, suspend, or refuse to renew a license [~~registration~~],
3 place on probation a person whose license [~~registration~~] has been
4 suspended, or reprimand a person who is licensed under this chapter
5 [~~listed in the registry~~] if the person violates this chapter or a
6 rule of the council.

7 SECTION 23. Section 110.352, Occupations Code, is amended
8 to read as follows:

9 Sec. 110.352. PROBATION. If the suspension of a person's
10 license [~~registration~~] is probated, the council may require the
11 person to:

12 (1) report regularly to the council on matters that
13 are the basis of the probation;

14 (2) limit the person's practice to the areas
15 prescribed by the council; or

16 (3) continue or review professional education until
17 the person attains a degree of skill satisfactory to the council in
18 those areas that are the basis of the probation.

19 SECTION 24. Section 110.353(a), Occupations Code, is
20 amended to read as follows:

21 (a) If the council proposes to revoke, suspend, or refuse to
22 renew a person's license [~~registration~~], the person is entitled to
23 a hearing conducted by the State Office of Administrative Hearings.

24 SECTION 25. Subchapter H, Chapter 110, Occupations Code, is
25 amended to conform to Section 27, Chapter 326, Acts of the 78th
26 Legislature, Regular Session, 2003, by adding Section 110.354, and
27 Section 110.354 is further amended to read as follows:

1 Sec. 110.354. EMERGENCY SUSPENSION. (a) The council or a
2 three-member committee of council members designated by the council
3 shall temporarily suspend the license of a person licensed under
4 this chapter if the council or committee determines from the
5 evidence or information presented to it that continued practice by
6 the person would constitute a continuing and imminent threat to the
7 public welfare.

8 (b) A license may be suspended under this section without
9 notice or hearing on the complaint if:

10 (1) action is taken to initiate proceedings for a
11 hearing before the State Office of Administrative Hearings
12 simultaneously with the temporary suspension; and

13 (2) a hearing is held as soon as practicable under this
14 chapter and Chapter 2001, Government Code.

15 (c) The State Office of Administrative Hearings shall hold a
16 preliminary hearing not later than the 14th day after the date of
17 the temporary suspension to determine if there is probable cause to
18 believe that a continuing and imminent threat to the public welfare
19 still exists. A final hearing on the matter shall be held not later
20 than the 61st day after the date of the temporary suspension.

21 SECTION 26. Chapter 110, Occupations Code, is amended to
22 conform to Section 27, Chapter 326, Acts of the 78th Legislature,
23 Regular Session, 2003, by adding Subchapter J, and Subchapter J is
24 further amended to read as follows:

25 SUBCHAPTER J. ADMINISTRATIVE PENALTY

26 Sec. 110.451. IMPOSITION OF ADMINISTRATIVE PENALTY. The
27 council may impose an administrative penalty on a person licensed

1 under this chapter who violates this chapter or a rule or order
2 adopted under this chapter.

3 Sec. 110.452. AMOUNT OF ADMINISTRATIVE PENALTY. (a) The
4 amount of the administrative penalty may not be less than \$50 or
5 more than \$5,000 for each violation. Each day a violation continues
6 or occurs is a separate violation for the purpose of imposing a
7 penalty.

8 (b) The amount shall be based on:

9 (1) the seriousness of the violation, including the
10 nature, circumstances, extent, and gravity of the violation;

11 (2) the economic harm caused by the violation;

12 (3) the history of previous violations;

13 (4) the amount necessary to deter a future violation;

14 (5) efforts to correct the violation; and

15 (6) any other matter that justice may require.

16 Sec. 110.453. REPORT AND NOTICE OF VIOLATION AND PENALTY.

17 (a) If the executive director determines that a violation
18 occurred, the executive director may issue to the council a report
19 stating:

20 (1) the facts on which the determination is based; and

21 (2) the executive director's recommendation on the
22 imposition of an administrative penalty, including a
23 recommendation on the amount of the penalty.

24 (b) Within 14 days after the date the report is issued, the
25 executive director shall give written notice of the report to the
26 person. The notice must:

27 (1) include a brief summary of the alleged violation;

1 (2) state the amount of the recommended administrative
2 penalty; and

3 (3) inform the person of the person's right to a
4 hearing on the occurrence of the violation, the amount of the
5 penalty, or both.

6 Sec. 110.454. PENALTY TO BE PAID OR HEARING REQUESTED. (a)
7 Within 20 days after the date the person receives the notice, the
8 person in writing may:

9 (1) accept the determination and recommended
10 administrative penalty of the executive director; or

11 (2) make a request for a hearing on the occurrence of
12 the violation, the amount of the penalty, or both.

13 (b) If the person accepts the determination and recommended
14 penalty of the executive director, or fails to respond in a timely
15 manner to the notice, the council by order shall approve the
16 determination and impose the recommended penalty.

17 Sec. 110.455. HEARING. (a) If the person requests a
18 hearing, the executive director shall set a hearing and give
19 written notice of the hearing to the person.

20 (b) An administrative law judge of the State Office of
21 Administrative Hearings shall hold the hearing.

22 (c) The administrative law judge shall make findings of fact
23 and conclusions of law and promptly issue to the council a proposal
24 for a decision about the occurrence of the violation and the amount
25 of a proposed administrative penalty.

26 Sec. 110.456. DECISION BY COUNCIL. (a) Based on the
27 findings of fact, conclusions of law, and proposal for decision,

1 the council by order may determine that:

2 (1) a violation occurred and impose an administrative
3 penalty; or

4 (2) a violation did not occur.

5 (b) The notice of the council's order given to the person
6 must include a statement of the right of the person to judicial
7 review of the order.

8 Sec. 110.457. OPTIONS FOLLOWING DECISION: PAY OR APPEAL.

9 (a) Within 30 days after the date the council's order becomes
10 final, the person shall:

11 (1) pay the administrative penalty; or

12 (2) file a petition for judicial review contesting the
13 occurrence of the violation, the amount of the penalty, or both.

14 (b) Within the 30-day period prescribed by Subsection (a), a
15 person who files a petition for judicial review may:

16 (1) stay enforcement of the penalty by:

17 (A) paying the penalty to the court for placement
18 in an escrow account; or

19 (B) giving the court a supersedeas bond approved
20 by the court that:

21 (i) is for the amount of the penalty; and

22 (ii) is effective until all judicial review
23 of the council's order is final; or

24 (2) request the court to stay enforcement of the
25 penalty by:

26 (A) filing with the court a sworn affidavit of
27 the person stating that the person is financially unable to pay the

1 penalty and is financially unable to give the supersedeas bond; and

2 (B) giving a copy of the affidavit to the
3 executive director by certified mail.

4 (c) If the executive director receives a copy of an
5 affidavit under Subsection (b)(2), the executive director may file
6 with the court, within five days after the date the copy is
7 received, a contest to the affidavit.

8 (d) The court shall hold a hearing on the facts alleged in
9 the affidavit as soon as practicable and shall stay the enforcement
10 of the penalty on finding that the alleged facts are true. The
11 person who files an affidavit has the burden of proving that the
12 person is financially unable to pay the penalty and to give a
13 supersedeas bond.

14 Sec. 110.458. COLLECTION OF PENALTY. (a) If the person
15 does not pay the administrative penalty and the enforcement of the
16 penalty is not stayed, the penalty may be collected.

17 (b) The attorney general may sue to collect the penalty.

18 Sec. 110.459. DETERMINATION BY COURT. (a) If the court
19 sustains the determination that a violation occurred, the court may
20 uphold or reduce the amount of the administrative penalty and order
21 the person to pay the full or reduced amount of the penalty.

22 (b) If the court does not sustain the finding that a
23 violation occurred, the court shall order that a penalty is not
24 owed.

25 Sec. 110.460. REMITTANCE OF PENALTY AND INTEREST. (a) If
26 the person paid the administrative penalty and if the amount of the
27 penalty is reduced or the penalty is not upheld by the court, the

1 court shall order, when the court's judgment becomes final, that
2 the appropriate amount plus accrued interest be remitted to the
3 person.

4 (b) The interest accrues at the rate charged on loans to
5 depository institutions by the New York Federal Reserve Bank.

6 (c) The interest shall be paid for the period beginning on
7 the date the penalty is paid and ending on the date the penalty is
8 remitted.

9 (d) If the person gave a supersedeas bond and the penalty is
10 not upheld by the court, the court shall order, when the court's
11 judgment becomes final, the release of the bond.

12 (e) If the person gave a supersedeas bond and the amount of
13 the penalty is reduced, the court shall order the release of the
14 bond after the person pays the reduced amount.

15 Sec. 110.461. ADMINISTRATIVE PROCEDURE. A proceeding under
16 this subchapter is a contested case under Chapter 2001, Government
17 Code.

18 SECTION 27. The heading to Section 110.401, Occupations
19 Code, is amended to read as follows:

20 Sec. 110.401. OFFENSE [~~: MISUSE OF TITLE~~].

21 SECTION 28. Section 110.401(b), Occupations Code, is
22 amended to read as follows:

23 (b) An offense under this section is a Class A [€]
24 misdemeanor.

25 SECTION 29. Chapter 110, Occupations Code, is amended by
26 adding Subchapter K to read as follows:

1 SUBCHAPTER K. ADULT DYNAMIC RISK ASSESSMENT PILOT PROGRAM

2 Sec. 110.501. DYNAMIC RISK ASSESSMENT. (a) This section
3 applies only to adult sex offenders who are treated in a county with
4 a population of one million or more.

5 (b) The council shall work directly with the appropriate
6 entities to develop, implement, research, and deploy dynamic risk
7 assessment tools and protocols for use under this subchapter by
8 persons licensed under this chapter. Costs incurred under this
9 section shall be included with costs required to be paid under
10 Section 11(i), Article 42.12, Code of Criminal Procedure.

11 (c) This section expires September 1, 2007.

12 Sec. 110.502. REPORT AND STUDY ON PILOT PROGRAM. (a) Not
13 later than November 1, 2006, the council shall report to the
14 criminal justice division of the governor's office on the progress
15 of implementing the pilot program under this subchapter. The report
16 must include information on the program's use of all dynamic risk
17 assessment tools, including plethysmograph and visual reaction
18 time assessments, and the use of dynamic risk assessment protocols.

19 (b) After filing the report, the council shall work with the
20 Legislative Budget Board to study the recidivism of sex offenders
21 treated under the pilot program, including a study comparing the
22 various dynamic risk assessment tools and protocols.

23 Sec. 110.503. EXPIRATION DATE. This subchapter expires
24 December 1, 2009.

25 SECTION 30. Section 411.1388(a), Government Code, is
26 amended to read as follows:

27 (a) The [~~Interagency~~] Council on Sex Offender Treatment is

1 entitled to obtain from the department criminal history record
2 information maintained by the department that relates to a person
3 who:

4 (1) is licensed [~~registered~~] to provide mental health
5 or medical services for the rehabilitation of sex offenders under
6 Chapter 110, Occupations Code [~~462, Acts of the 68th Legislature,~~
7 ~~Regular Session, 1983 (Article 4413(51), Vernon's Texas Civil~~
8 ~~Statutes)~~]; or

9 (2) has applied for a license [~~registration~~] or
10 renewal of a license [~~registration~~] to provide mental health or
11 medical services for the rehabilitation of sex offenders under
12 Chapter 110, Occupations Code [~~462, Acts of the 68th Legislature,~~
13 ~~Regular Session, 1983 (Article 4413(51), Vernon's Texas Civil~~
14 ~~Statutes)~~].

15 SECTION 31. The following are repealed:

16 (1) Section 110.001(4), Occupations Code;

17 (2) Section 27, Chapter 326, Acts of the 78th
18 Legislature, Regular Session, 2003; and

19 (3) Sections 42.01 and 42.02, Chapter 1170, Acts of
20 the 78th Legislature, Regular Session, 2003.

21 SECTION 32. The changes in law made by this Act to the
22 qualifications of a member of the Council on Sex Offender Treatment
23 do not affect the entitlement of a member serving on the council
24 immediately before the effective date of this Act to continue to
25 serve as a member for the remainder of the member's term. The
26 changes in law made by this Act apply only to a member appointed on
27 or after the effective date of this Act. This Act does not prohibit

1 a person who is a member of the council on the effective date of this
2 Act from being reappointed to the council if the person has the
3 qualifications required for a member under Section 110.051,
4 Occupations Code, as amended by this Act.

5 SECTION 33. A person who holds a registration issued under
6 Chapter 110, Occupations Code, on the effective date of this Act is
7 considered to hold a license under Chapter 110, Occupations Code,
8 as amended by this Act. All provisions of Chapter 110, Occupations
9 Code, including renewal requirements, apply to the person as if the
10 person was issued a license under that chapter.

11 SECTION 34. (a) The change in law made by this Act to
12 Section 110.401, Occupations Code, applies only to an offense
13 committed on or after the effective date of this Act.

14 (b) An offense committed before the effective date of this
15 Act is governed by the law in effect when the offense was committed,
16 and the former law is continued in effect for that purpose.

17 (c) For purposes of this section, an offense is committed
18 before the effective date of this Act if any element of the offense
19 occurs before that date.

20 SECTION 35. To the extent of any conflict, this Act prevails
21 over another Act of the 79th Legislature, Regular Session, 2005,
22 relating to nonsubstantive additions to and corrections in enacted
23 codes.

24 SECTION 36. This Act takes effect September 1, 2005.