

## **BILL ANALYSIS**

H.B. 2034  
By: England  
Corrections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Council on Sex Offender Treatment held nineteen meetings with various agencies and organizations and five public hearings during the rule revision process of the Texas Administrative Code, Section 841. Based on comments from these hearings, several revisions were recommended to clarify and define language regarding regulation of sex offender treatment providers and definitions relating to sex offenders and rehabilitation services.

House Bill 2034 clarifies and narrows the language regarding the regulation of sex offender treatment providers and provides definitions regarding sex offenders and rehabilitation services.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 2034 amends Subdivisions (6) and (7), Section 110.001, Occupations Code by changing the definitions of "sex offender" and "sex offender treatment provider". The bill adds to the current definition of sex offender, a person who is convicted of, adjudicated to have committed, or awarded deferred adjudication for an offense that is based on sexually motivated conduct. The bill deletes current statutory language that defines a sex offender as a person who admits to having violated state or federal law with regard to sexual conduct or experiences or evidences a paraphiliac disorder as defined by the Revised Diagnostic and Statistical Manual, including any subsequent revision of that manual.

HB 2034 also changes the definition of a sex offender treatment provider. The current definition is a person licensed or certified to practice in this state, including a physician, psychiatrist, psychologist, licensed professional counselor, licensed marriage and family therapist, or social worker who provides mental health or medical services for rehabilitation of sex offenders. This bill changes that definition to a person who is licensed by the Council on Sex Offender Treatment and recognized based on training and experience to provide assessment and treatment to adult sex offenders or juveniles with sexual behavioral problems who have been convicted, adjudicated, awarded deferred adjudication, or referred by a state agency or a court.

HB 2034 adds Subdivision (8) to Section 110.001, Occupations Code, to provide that "sexually motivated conduct" has the meaning assigned by Section 841.002, Health and Safety Code.

HB 2034 amends Section 110.301(a), Occupations Code, to specify that a person may not provide "sex offender treatment" unless the person is licensed under Chapter 110, Occupations Code, rather than prohibiting such a person from providing "a rehabilitation service" as is in current law. The bill also repeals Section 110.001(5), Occupations Code which is the current definition of "rehabilitation service".

### **EFFECTIVE DATE**

September 1, 2007.

