

By: England

H.B. No. 2034

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of sex offender treatment providers.

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

SECTION 1. Section 110.001, Occupations Code, is amended by amending Subdivisions (6) and (7) and by adding Subdivision (8) to read as follows:

(6) "Sex offender" means a person who:

(A) is convicted of committing or adjudicated to have committed a sex crime under state or federal law;

(B) is awarded deferred adjudication for a sex crime under state or federal law; or

(C) is convicted of, adjudicated to have committed, or awarded deferred adjudication for an offense that is based on sexually motivated conduct [~~admits to having violated state or federal law with regard to sexual conduct, or~~

~~[(D) experiences or evidences a paraphiliac disorder as defined by the Revised Diagnostic and Statistical Manual, including any subsequent revision of that manual].~~

(7) "Sex offender treatment provider" means a person, licensed by the council 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 [~~or certified to practice in~~

1 ~~this state, including a physician, psychiatrist, psychologist,~~
2 ~~licensed professional counselor, licensed marriage and family~~
3 ~~therapist, or social worker, who provides mental health or medical~~
4 ~~services for rehabilitation of sex offenders].~~

5 (8) "Sexually motivated conduct" has the meaning
6 assigned by Section 841.002, Health and Safety Code.

7 SECTION 2. Section 110.158, Occupations Code, is amended to
8 read as follows:

9 Sec. 110.158. RULEMAKING. (a) The council may adopt rules
10 consistent with this chapter. In adopting rules, the council
11 shall:

12 (1) consider the rules and procedures of the board and
13 the department; and

14 (2) adopt procedural rules consistent with similar
15 existing rules and procedures of the board or the department.

16 (b) A sex offender treatment provider licensed under this
17 chapter is subject to the rules of the council, in relation to the
18 person's provision of sex offender treatment, rather than the rules
19 of the licensing entity by which the provider is licensed or
20 otherwise regulated.

21 SECTION 3. Section 110.301, Occupations Code, is amended by
22 amending Subsection (a) and adding Subsection (c) to read as
23 follows:

24 (a) A person may not provide sex offender treatment [~~a~~
25 ~~rehabilitation service~~] or act as a sex offender treatment provider
26 unless the person is licensed under this chapter.

27 (c) This section does not apply to a physician whose

1 treatment of a sex offender is limited to prescribing medication to
2 the sex offender.

3 SECTION 4. Section 110.001(5), Occupations Code, is
4 repealed.

5 SECTION 5. This Act takes effect September 1, 2007.