

By: Shapiro

S.B. No. 1198

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 amending Subdivisions (1) and (5) and adding Subdivision (3-a) to read as follows:

(1) "Attorney representing the state" means an attorney employed by the civil division of the special ~~[prison]~~ prosecution unit to initiate and pursue a civil commitment proceeding under this chapter.

(3-a) "Civil commitment proceeding" means a trial or hearing conducted under Subchapter D, F, or G.

(5) "Predatory act" means an act ~~[that is committed for the purpose of victimization and that is]~~ directed toward individuals, including family members, [+

~~[(A) a stranger,~~

~~[(B) a person of casual acquaintance with whom no substantial relationship exists, or~~

~~[(C) a person with whom a relationship has been established or promoted]~~ for the primary purpose of victimization.

SECTION 2. Section 841.004, Health and Safety Code, is amended to read as follows:

Sec. 841.004. SPECIAL ~~[PRISON]~~ PROSECUTION UNIT. The civil ~~[A special]~~ division of the special ~~[prison]~~ prosecution unit,

1 separate from that part of the unit responsible for prosecuting  
2 criminal cases, is responsible for initiating and pursuing a civil  
3 commitment proceeding under this chapter.

4 SECTION 3. Section 841.061, Health and Safety Code, is  
5 amended by adding Subsection (g) to read as follows:

6 (g) A judge assigned to preside over a trial under this  
7 subchapter is not subject to an objection under Section 74.053,  
8 Government Code, other than an objection made under Section  
9 74.053(d), Government Code.

10 SECTION 4. Section 841.085, Health and Safety Code, is  
11 amended to read as follows:

12 Sec. 841.085. CRIMINAL PENALTY; PROSECUTION OF OFFENSE.

13 (a) A person commits an offense if, after having been adjudicated  
14 and civilly committed as a sexually violent predator under this  
15 chapter, the person violates a civil commitment requirement imposed  
16 under Section 841.082.

17 (b) An offense under this section is a felony of the third  
18 degree.

19 (c) At the request of the local prosecuting attorney, an  
20 attorney employed by the civil division of the special prosecution  
21 unit described by Section 841.004 may assist in the trial of an  
22 offense under this section.

23 SECTION 5. Section 841.147, Health and Safety Code, is  
24 amended to read as follows:

25 Sec. 841.147. IMMUNITY. The following persons are immune  
26 from liability for good faith conduct under this chapter:

27 (1) an employee or officer of the Texas Department of

1 Criminal Justice, the [~~Texas~~] Department of State Health Services  
2 [~~Mental Health and Mental Retardation~~], the Department of Aging and  
3 Disability Services [~~Texas Department of Health~~], or the council;

4 (2) a member of the multidisciplinary team established  
5 under Section 841.022;

6 (3) an employee of the civil division of the special  
7 [~~prison~~] prosecution unit charged with initiating and pursuing  
8 civil commitment proceedings under this chapter; and

9 (4) a person providing, or contracting, appointed, or  
10 volunteering to perform, a tracking service or another service  
11 under this chapter.

12 SECTION 6. Chapter 13, Code of Criminal Procedure, is  
13 amended by adding Article 13.315 to read as follows:

14 Art. 13.315. FAILURE TO COMPLY WITH SEXUALLY VIOLENT  
15 PREDATOR CIVIL COMMITMENT REQUIREMENT. An offense under Section  
16 841.085, Health and Safety Code, may be prosecuted in the county in  
17 which any element of the offense occurs or in Montgomery County.

18 SECTION 7. (a) Except as provided by Subsection (b) of  
19 this section, the change in law made by this Act applies only to an  
20 individual who on or after September 1, 2007, is serving a sentence  
21 in the Texas Department of Criminal Justice or is committed to the  
22 Department of State Health Services or the Department of Aging and  
23 Disability Services for an offense committed before, on, or after  
24 the effective date of this Act.

25 (b) The change in law made by this Act in adding Subsection  
26 (g), Section 841.061, Health and Safety Code, applies to a petition  
27 alleging predator status that is filed on or after the effective

1 date of this Act.

2 SECTION 8. This Act takes effect September 1, 2007, except  
3 that Section 3 of this Act takes effect immediately if this Act  
4 receives a vote of two-thirds of all the members elected to each  
5 house, as provided by Section 39, Article III, Texas Constitution.  
6 If this Act does not receive the vote necessary for immediate  
7 effect, Section 3 takes effect September 1, 2007.