

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

(1) "Attorney representing the state" means an attorney employed by a special division of the 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.

SECTION 2. Section 841.061, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

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

SECTION 3. Section 841.085, Health and Safety Code, is amended to read as follows:

Sec. 841.085. CRIMINAL PENALTY; PROSECUTION OF OFFENSE.

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

1 under Section 841.082.

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

4 (c) At the request of the local prosecuting attorney, an
5 attorney employed by the special division of the prison prosecution
6 unit described by Section 841.004 may assist in the trial of an
7 offense under this section.

8 SECTION 4. Section 841.147, Health and Safety Code, is
9 amended to read as follows:

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

12 (1) an employee or officer of the Texas Department of
13 Criminal Justice, the ~~[Texas]~~ Department of State Health Services
14 ~~[Mental Health and Mental Retardation]~~, the Department of Aging and
15 Disability Services ~~[Texas Department of Health]~~, or the council;

16 (2) a member of the multidisciplinary team established
17 under Section 841.022;

18 (3) an employee of the special division of the prison
19 prosecution unit charged with initiating and pursuing civil
20 commitment proceedings under this chapter; and

21 (4) a person providing, or contracting, appointed, or
22 volunteering to perform, a tracking service or another service
23 under this chapter.

24 SECTION 5. Chapter 13, Code of Criminal Procedure, is
25 amended by adding Article 13.315 to read as follows:

26 Art. 13.315. FAILURE TO COMPLY WITH SEXUALLY VIOLENT
27 PREDATOR CIVIL COMMITMENT REQUIREMENT. An offense under Section

1 841.085, Health and Safety Code, may be prosecuted in the county in
2 which any element of the offense occurs or in Montgomery County.

3 SECTION 6. (a) Except as provided by Subsection (b) of this
4 section, the change in law made by this Act applies only to an
5 individual who on or after September 1, 2007, is serving a sentence
6 in the Texas Department of Criminal Justice or is committed to the
7 Department of State Health Services or the Department of Aging and
8 Disability Services for an offense committed before, on, or after
9 the effective date of this Act.

10 (b) The change in law made by this Act in adding Section
11 841.061(g), Health and Safety Code, applies to a petition alleging
12 predator status that is filed on or after the effective date of this
13 Act.

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