

1-1 By: Shapiro S.B. No. 1198
1-2 (In the Senate - Filed March 6, 2007; March 14, 2007, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 17, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 17, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1198 By: Hegar

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the civil commitment of sexually violent predators.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 841.002, Health and Safety Code, is
1-13 amended by amending Subdivisions (1) and (5) and adding Subdivision
1-14 (3-a) to read as follows:

1-15 (1) "Attorney representing the state" means an
1-16 attorney employed by the civil division of the special [prison]
1-17 prosecution unit to initiate and pursue a civil commitment
1-18 proceeding under this chapter.

1-19 (3-a) "Civil commitment proceeding" means a trial or
1-20 hearing conducted under Subchapter D, F, or G.

1-21 (5) "Predatory act" means an act [~~that is committed~~
1-22 ~~for the purpose of victimization and that is~~] directed toward
1-23 individuals, including family members, [+

1-24 [(A) a stranger;

1-25 [(B) a person of casual acquaintance with whom no
1-26 substantial relationship exists; or

1-27 [(C) a person with whom a relationship has been
1-28 established or promoted] for the primary purpose of victimization.

1-29 SECTION 2. Section 841.004, Health and Safety Code, is
1-30 amended to read as follows:

1-31 Sec. 841.004. SPECIAL [PRISON] PROSECUTION UNIT. The civil
1-32 [A special] division of the special [prison] prosecution unit,
1-33 separate from that part of the unit responsible for prosecuting
1-34 criminal cases, is responsible for initiating and pursuing a civil
1-35 commitment proceeding under this chapter.

1-36 SECTION 3. Section 841.061, Health and Safety Code, is
1-37 amended by adding Subsection (g) to read as follows:

1-38 (g) A judge assigned to preside over a trial under this
1-39 subchapter is not subject to an objection under Section 74.053,
1-40 Government Code, other than an objection made under Section
1-41 74.053(d), Government Code.

1-42 SECTION 4. Section 841.085, Health and Safety Code, is
1-43 amended to read as follows:

1-44 Sec. 841.085. CRIMINAL PENALTY; PROSECUTION OF OFFENSE.

1-45 (a) A person commits an offense if, after having been adjudicated
1-46 and civilly committed as a sexually violent predator under this
1-47 chapter, the person violates a civil commitment requirement imposed
1-48 under Section 841.082.

1-49 (b) An offense under this section is a felony of the third
1-50 degree.

1-51 (c) At the request of the local prosecuting attorney, an
1-52 attorney employed by the civil division of the special prosecution
1-53 unit described by Section 841.004 may assist in the trial of an
1-54 offense under this section.

1-55 SECTION 5. Section 841.147, Health and Safety Code, is
1-56 amended to read as follows:

1-57 Sec. 841.147. IMMUNITY. The following persons are immune
1-58 from liability for good faith conduct under this chapter:

1-59 (1) an employee or officer of the Texas Department of
1-60 Criminal Justice, the [Texas] Department of State Health Services
1-61 [Mental Health and Mental Retardation], the Department of Aging and
1-62 Disability Services [Texas Department of Health], or the council;

1-63 (2) a member of the multidisciplinary team established

2-1 under Section 841.022;

2-2 (3) an employee of the civil division of the special
2-3 [~~prison~~] prosecution unit charged with initiating and pursuing
2-4 civil commitment proceedings under this chapter; and

2-5 (4) a person providing, or contracting, appointed, or
2-6 volunteering to perform, a tracking service or another service
2-7 under this chapter.

2-8 SECTION 6. Chapter 13, Code of Criminal Procedure, is
2-9 amended by adding Article 13.315 to read as follows:

2-10 Art. 13.315. FAILURE TO COMPLY WITH SEXUALLY VIOLENT
2-11 PREDATOR CIVIL COMMITMENT REQUIREMENT. An offense under Section
2-12 841.085, Health and Safety Code, may be prosecuted in the county in
2-13 which any element of the offense occurs or in Montgomery County.

2-14 SECTION 7. (a) Except as provided by Subsection (b) of
2-15 this section, the change in law made by this Act applies only to an
2-16 individual who on or after September 1, 2007, is serving a sentence
2-17 in the Texas Department of Criminal Justice or is committed to the
2-18 Department of State Health Services or the Department of Aging and
2-19 Disability Services for an offense committed before, on, or after
2-20 the effective date of this Act.

2-21 (b) The change in law made by this Act in adding Subsection
2-22 (g), Section 841.061, Health and Safety Code, applies to a petition
2-23 alleging predator status that is filed on or after the effective
2-24 date of this Act.

2-25 SECTION 8. This Act takes effect September 1, 2007, except
2-26 that Section 3 of this Act takes effect immediately if this Act
2-27 receives a vote of two-thirds of all the members elected to each
2-28 house, as provided by Section 39, Article III, Texas Constitution.
2-29 If this Act does not receive the vote necessary for immediate
2-30 effect, Section 3 takes effect September 1, 2007.

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