

By: Uresti

S.B. No. 1760

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prosecution, treatment, and rehabilitation of
3 certain sex offenders.

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

5 SECTION 1. Subchapter C, Chapter 501, Government Code, is
6 amended by adding Section 501.094 to read as follows:

7 Sec. 501.094. MANDATORY TREATMENT FOR SEX OFFENDERS. (a)
8 The department shall establish a program to confine, treat, and
9 rehabilitate any inmate determined by the department to be serving
10 a sentence for an offense requiring registration under Chapter 62,
11 Code of Criminal Procedure. The program is for the identification
12 and treatment of mental illnesses, behaviors, or other factors that
13 gave rise or contributed to an inmate's committing an offense
14 requiring registration under Chapter 62, Code of Criminal
15 Procedure, and is in addition to educational and other treatment
16 services provided to an inmate.

17 (b) The department and the Council on Sex Offender Treatment
18 shall jointly develop methods of screening and assessing inmates to
19 determine each inmate's specific treatment needs. The department
20 shall assess each inmate who is serving a sentence for an offense
21 requiring registration under Chapter 62, Code of Criminal
22 Procedure, and shall determine the severity of the problem and the
23 need for treatment.

24 (c) The program provided under this section must contain

1 highly structured work, education, and treatment schedules, a
2 clearly delineated authority structure, and well-defined goals and
3 guidelines. The department shall establish a graded system of
4 rewards and sanctions for an inmate who participates in the
5 program.

6 (d) The department shall employ or contract with qualified
7 professionals to implement the program. For purposes of this
8 subsection, a "qualified professional" is a person who is eligible
9 to be included in the registry of sex offender treatment providers
10 maintained under Chapter 110, Occupations Code.

11 SECTION 2. Subchapter B, Chapter 507, Government Code, is
12 amended by adding Section 507.034 to read as follows:

13 Sec. 507.034. MANDATORY TREATMENT FOR SEX OFFENDERS. (a)
14 The department shall establish a program to confine, treat, and
15 rehabilitate any defendant determined by the department to be
16 serving a sentence for an offense requiring registration under
17 Chapter 62, Code of Criminal Procedure. The program is for the
18 identification and treatment of mental illnesses, behaviors, or
19 other factors that gave rise or contributed to a defendant's
20 committing an offense requiring registration under Chapter 62, Code
21 of Criminal Procedure, and is in addition to educational and other
22 treatment services provided to a defendant.

23 (b) The department and the Council on Sex Offender Treatment
24 shall jointly develop methods of screening and assessing defendants
25 to determine each defendant's specific treatment needs. The
26 department shall assess each defendant who is serving a sentence
27 for an offense requiring registration under Chapter 62, Code of

1 Criminal Procedure, and shall determine the severity of the problem
2 and the need for treatment.

3 (c) The program provided under this section must contain
4 highly structured work, education, and treatment schedules, a
5 clearly delineated authority structure, and well-defined goals and
6 guidelines. The department shall establish a graded system of
7 rewards and sanctions for a defendant who participates in the
8 program.

9 (d) The department shall employ or contract with qualified
10 professionals to implement the program. For purposes of this
11 subsection, a "qualified professional" is a person who is eligible
12 to be included in the registry of sex offender treatment providers
13 maintained under Chapter 110, Occupations Code.

14 SECTION 3. Section 43.26(d), Penal Code, is amended to read
15 as follows:

16 (d) An offense under Subsection (a) is a felony of the
17 second [~~third~~] degree.

18 SECTION 4. The change in law made by Section 43.26(d), Penal
19 Code, as amended by this Act, applies only to an offense committed
20 on or after the effective date of this Act. An offense committed
21 before the effective date of this Act is governed by the law in
22 effect at the time the offense was committed, and the former law is
23 continued in effect for that purpose. For purposes of this section,
24 an offense was committed before the effective date of this Act if
25 any element of the offense was committed before that date.

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