

By: Whitmire

S.B. No. 826

A BILL TO BE ENTITLED

1 AN ACT
2 relating to notification regarding the anticipated release of a
3 potential predator from civil commitment.

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

5 SECTION 1. Section 841.021, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 841.021. NOTICE OF POTENTIAL PREDATOR. (a) Before
8 the person's anticipated release date, the Texas Department of
9 Criminal Justice shall give to the multidisciplinary team
10 established under Section 841.022 written notice of the anticipated
11 release of a person who:

12 (1) is serving a sentence for:

13 (A) a sexually violent offense described by
14 Section 841.002(8)(A), (B), or (C); or

15 (B) what is, or as described by this chapter what
16 the department reasonably believes may be determined to be, a
17 sexually violent offense described by Section 841.002(8)(D); and

18 (2) may be a repeat sexually violent offender.

19 (b) Before the person's anticipated discharge date, the
20 Department of State Health Services shall give to the
21 multidisciplinary team established under Section 841.022 written
22 notice of the anticipated discharge of a person who:

23 (1) is committed to the department after having been
24 adjudged not guilty by reason of insanity of:

1 (A) a sexually violent offense described by
2 Section 841.002(8)(A), (B), or (C); or

3 (B) what is, or as described by this chapter what
4 the department reasonably believes may be determined to be, a
5 sexually violent offense described by Section 841.002(8)(D); and

6 (2) may be a repeat sexually violent offender.

7 (c) The Texas Department of Criminal Justice or the
8 Department of State Health Services, as appropriate, shall give the
9 notice described by Subsection (a) or (b) not later than the first
10 day of the 16th month before the person's anticipated date of
11 [~~release or~~ discharge from control of the Texas Department of
12 Criminal Justice or the Department of State Health Services [date],
13 but under exigent circumstances may give the notice at any time
14 before the anticipated date of [~~release or~~] discharge [date]. The
15 notice must contain the following information:

16 (1) the person's name, identifying factors,
17 anticipated residence after release or discharge, and criminal
18 history;

19 (2) documentation of the person's institutional
20 adjustment and actual treatment; and

21 (3) an assessment of the likelihood that the person
22 will commit a sexually violent offense after release or discharge.

23 SECTION 2. The changes in law made by this Act apply only to
24 conduct that occurs on or after the effective date of this Act.
25 Conduct that occurs before the effective date of this Act is covered
26 by the law in effect at the time the conduct occurred, and the
27 former law is continued in effect for that purpose. For the

1 purposes of this section, conduct occurs before the effective date
2 of this Act if any element of the conduct occurred before that date.

3 SECTION 3. This Act takes effect September 1, 2013.