

By: Whitmire

S.B. No. 826

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the notification of a potential predator for civil  
3 commitment

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

5 SECTION 1. Chapter 841, Health and Safety Code, is amended  
6 as follows:

7 Sec. 841.021. NOTICE OF POTENTIAL PREDATOR.

8 (a) Before the person's anticipated release date, the Texas  
9 Department of Criminal Justice shall give to the multidisciplinary  
10 team established under Section 841.022 written notice of the  
11 anticipated 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 [~~release or~~  
11 date of discharge [~~date~~] from control of the Texas Department of  
12 Criminal Justice or the Department of State Health Services, but  
13 under exigent circumstances may give the notice at any time before  
14 the anticipated [~~release or~~] date of discharge [~~date~~]. The notice  
15 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.