

1-1 By: Whitmire S.B. No. 826
1-2 (In the Senate - Filed February 26, 2013; March 5, 2013,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 4, 2013, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 4, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Carona	X		
1-11	Hinojosa	X		
1-12	Patrick	X		
1-13	Rodriguez	X		
1-14	Schwertner	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to notification regarding the anticipated release of a
1-18 potential predator from civil commitment.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 841.021, Health and Safety Code, is
1-21 amended to read as follows:

1-22 Sec. 841.021. NOTICE OF POTENTIAL PREDATOR. (a) Before
1-23 the person's anticipated release date, the Texas Department of
1-24 Criminal Justice shall give to the multidisciplinary team
1-25 established under Section 841.022 written notice of the anticipated
1-26 release of a person who:

1-27 (1) is serving a sentence for:

1-28 (A) a sexually violent offense described by
1-29 Section 841.002(8)(A), (B), or (C); or

1-30 (B) what is, or as described by this chapter what
1-31 the department reasonably believes may be determined to be, a
1-32 sexually violent offense described by Section 841.002(8)(D); and

1-33 (2) may be a repeat sexually violent offender.

1-34 (b) Before the person's anticipated discharge date, the
1-35 Department of State Health Services shall give to the
1-36 multidisciplinary team established under Section 841.022 written
1-37 notice of the anticipated discharge of a person who:

1-38 (1) is committed to the department after having been
1-39 adjudged not guilty by reason of insanity of:

1-40 (A) a sexually violent offense described by
1-41 Section 841.002(8)(A), (B), or (C); or

1-42 (B) what is, or as described by this chapter what
1-43 the department reasonably believes may be determined to be, a
1-44 sexually violent offense described by Section 841.002(8)(D); and

1-45 (2) may be a repeat sexually violent offender.

1-46 (c) The Texas Department of Criminal Justice or the
1-47 Department of State Health Services, as appropriate, shall give the
1-48 notice described by Subsection (a) or (b) not later than the first
1-49 day of the 16th month before the person's anticipated date of
1-50 [release or] discharge from control of the Texas Department of
1-51 Criminal Justice or the Department of State Health Services [date],
1-52 but under exigent circumstances may give the notice at any time
1-53 before the anticipated date of [release or] discharge [date]. The
1-54 notice must contain the following information:

1-55 (1) the person's name, identifying factors,
1-56 anticipated residence after release or discharge, and criminal
1-57 history;

1-58 (2) documentation of the person's institutional
1-59 adjustment and actual treatment; and

1-60 (3) an assessment of the likelihood that the person
1-61 will commit a sexually violent offense after release or discharge.

2-1 SECTION 2. The changes in law made by this Act apply only to
2-2 conduct that occurs on or after the effective date of this Act.
2-3 Conduct that occurs before the effective date of this Act is covered
2-4 by the law in effect at the time the conduct occurred, and the
2-5 former law is continued in effect for that purpose. For the
2-6 purposes of this section, conduct occurs before the effective date
2-7 of this Act if any element of the conduct occurred before that date.
2-8 SECTION 3. This Act takes effect September 1, 2013.

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