

By: Huffman

S.B. No. 1774

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for and the oversight of the commitment of sexually violent predators.

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

SECTION 1. Chapter 104, Code of Criminal Procedure, is amended by adding Article 104.005 to read as follows:

Art. 104.005. VIOLENT SEX OFFENDER COMMITMENT COSTS. (a) The state shall reimburse reasonable costs incurred by a county to provide legal assistance to an indigent person in a biennial review conducted by a judge under Section 841.102, Health and Safety Code, or as necessary in the representation of an indigent person in a trial under Subchapter D, Chapter 841, Health and Safety Code.

(b) The court shall certify the amount of reimbursement for expenses under Subsection (a) to the comptroller. The comptroller shall issue a warrant in that amount to the commissioners court of the county or, if the comptroller determines that the amount certified by the court is unreasonable, in an amount that the comptroller determines to be reasonable.

SECTION 2. Section 420A.002(c), Government Code, is amended to read as follows:

(c) Members of the board serve staggered six-year ~~[two-year]~~ terms, with the term of one member expiring on ~~[Two members' terms expire February 1 of each even-numbered year and one member's term expires]~~ February 1 of each odd-numbered year.

SECTION 3. Section 552.1175(a), Government Code, is amended to read as follows:

(a) This section applies only to:

(1) peace officers as defined by Article 2.12, Code of Criminal Procedure;

(2) county jailers as defined by Section 1701.001, Occupations Code;

(3) current or former employees of the Texas Department of Criminal Justice or of the predecessor in function of the department or any division of the department;

(4) commissioned security officers as defined by Section 1702.002, Occupations Code;

(5) employees of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services matters;

(6) officers and employees of a community supervision and corrections department established under Chapter 76 who perform a duty described by Section 76.004(b);

(7) criminal investigators of the United States as described by Article 2.122(a), Code of Criminal Procedure;

(8) police officers and inspectors of the United States Federal Protective Service; ~~and~~

(9) current and former employees of the office of the attorney general who are or were assigned to a division of that office the duties of which involve law enforcement; and

(10) current or former employees of the Office of

1 Violent Sex Offender Management or of the predecessor in function
2 of the office.

3 SECTION 4. Section 841.002, Health and Safety Code, is
4 amended by amending Subdivision (7-a) and adding Subdivision (7-b)
5 to read as follows:

6 (7-a) "Sex offender specific treatment" means a
7 treatment based on empirical research with regard to favorable
8 treatment outcomes that is professionally accepted in the field of
9 sex offender treatment.

10 (7-b) "Sexually motivated conduct" means any conduct
11 involving the intent to arouse or gratify the sexual desire of any
12 person immediately before, during, or immediately after the
13 commission of an offense.

14 SECTION 5. Section 841.005, Health and Safety Code, is
15 amended to read as follows:

16 Sec. 841.005. INDIGENT DEFENSE REPRESENTATION [~~OFFICE OF~~
17 ~~STATE COUNSEL FOR OFFENDERS~~]. (a) The [~~Except as provided by~~
18 ~~Subsection (b), the~~] Office of State Counsel for Offenders shall
19 represent an indigent person subject to a civil commitment
20 proceeding under this chapter only at a trial conducted under
21 Subchapter D and may not represent the person at a biennial review
22 conducted under Section 841.102 or in any other proceeding under
23 this chapter.

24 (b) If for any reason the Office of State Counsel for
25 Offenders is unable to represent an indigent person described by
26 Subsection (a) at the trial conducted under Subchapter D [~~a civil~~
27 ~~commitment proceeding under this chapter~~], the court shall appoint

1 other counsel to represent the indigent person.

2 (c) The court shall appoint counsel other than the Office of
3 State Counsel for Offenders to represent an indigent person in a
4 biennial review conducted under Section 841.102.

5 SECTION 6. Section 841.007, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 841.007. DUTIES OF OFFICE OF VIOLENT SEX OFFENDER
8 MANAGEMENT. (a) The Office of Violent Sex Offender Management is
9 responsible for providing [appropriate and] necessary sex offender
10 specific treatment and appropriate supervision through the case
11 management system.

12 (b) The Office of Violent Sex Offender Management is not
13 responsible for providing any treatment other than sex offender
14 specific treatment to a person civilly committed under this
15 chapter.

16 SECTION 7. Section 841.144(a), Health and Safety Code, is
17 amended to read as follows:

18 (a) A [Immediately after the filing of a petition under
19 Section 841.041, a] person subject to a civil commitment proceeding
20 under this chapter is entitled to the assistance of counsel at a
21 trial conducted under Subchapter D and at a biennial review under
22 Section 841.102. A person's entitlement to the assistance of
23 counsel at a trial under Subchapter D begins immediately after the
24 filing of a petition under Section 841.041 [all stages of the
25 proceeding].

26 SECTION 8. On the expiration of the terms of members of the
27 governing board of the Office of Violent Sex Offender Management

1 who are serving on the board on the date this Act takes effect,
2 notwithstanding Section 420A.002(c), Government Code, as amended
3 by this Act, the governor shall appoint one member to serve a term
4 that expires February 1, 2015, one member to serve a term that
5 expires February 1, 2017, and one member to serve a term that
6 expires February 1, 2019.

7 SECTION 9. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2013.