

AN ACT

relating to the civil commitment of sexually violent predators;
amending provisions subject to criminal penalties.

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

SECTION 1. Sections 841.002(1), (3), and (4), Health and Safety Code, are amended to read as follows:

(1) "Attorney representing the state" means a district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction who represents the state in ~~[an attorney employed by the civil division of the special prosecution unit to initiate and pursue]~~ a civil commitment proceeding under this chapter.

(3) "Case manager" means a person employed by or under contract with the office to perform duties related to the ~~[outpatient]~~ treatment and supervision of a person committed under this chapter.

(4) "Office" means the Texas Civil Commitment Office ~~[of Violent Sex Offender Management]~~.

SECTION 2. Section 841.003(b), Health and Safety Code, is amended to read as follows:

(b) A person is a repeat sexually violent offender for the purposes of this chapter if the person is convicted of more than one sexually violent offense and a sentence is imposed for at least one of the offenses or if:

1 (1) the person:

2 (A) is convicted of a sexually violent offense,
3 regardless of whether the sentence for the offense was ever imposed
4 or whether the sentence was probated and the person was
5 subsequently discharged from community supervision;

6 (B) enters a plea of guilty or nolo contendere
7 for a sexually violent offense in return for a grant of deferred
8 adjudication; or

9 (C) ~~[is adjudged not guilty by reason of insanity~~
10 ~~of a sexually violent offense; or~~

11 ~~[(D)]~~ is adjudicated by a juvenile court as
12 having engaged in delinquent conduct constituting a sexually
13 violent offense and is committed to the Texas Juvenile Justice
14 Department under Section 54.04(d)(3) or (m), Family Code; and

15 (2) after the date on which under Subdivision (1) the
16 person is convicted, receives a grant of deferred adjudication, ~~[is~~
17 ~~adjudged not guilty by reason of insanity,~~] or is adjudicated by a
18 juvenile court as having engaged in delinquent conduct, the person
19 commits a sexually violent offense for which the person[+

20 ~~[(A)]~~ is convicted, but only if the sentence for
21 the offense is imposed[~~, or~~

22 ~~[(B) is adjudged not guilty by reason of~~
23 ~~insanity].~~

24 SECTION 3. Section 841.007, Health and Safety Code, is
25 amended to read as follows:

26 Sec. 841.007. DUTIES OF TEXAS CIVIL COMMITMENT OFFICE [~~OF~~
27 ~~VIOLENT SEX OFFENDER MANAGEMENT~~]. The Texas Civil Commitment

1 Office [~~of Violent Sex Offender Management~~] is responsible for:

2 (1) providing appropriate and necessary treatment and
3 supervision for committed persons through the case management
4 system; and

5 (2) developing and implementing a sex offender
6 treatment program for persons committed under this chapter.

7 SECTION 4. Section 841.021, Health and Safety Code, is
8 amended by amending Subsections (a) and (c) and adding Subsections
9 (a-1) and (d) to read as follows:

10 (a) Subject to Subsection (a-1) and except as provided by
11 Subsection (d), before [~~Before~~] the person's anticipated release
12 date, the Texas Department of Criminal Justice shall give to the
13 multidisciplinary team established under Section 841.022 written
14 notice of the anticipated release of a person who:

15 (1) is serving a sentence for:

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

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

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

22 (a-1) Regardless of whether any exigent circumstances are
23 present, the Texas Department of Criminal Justice may give notice
24 under this section with respect to a person who is scheduled to be
25 released on parole or to mandatory supervision only if the person's
26 anticipated release date is not later than 24 months after the date
27 on which the notice will be given. The department may not give

1 notice with respect to a person who is currently released on parole
2 or to mandatory supervision, but the multidisciplinary team may
3 perform the functions described by Section 841.022(c) within the
4 applicable period required by that subsection if the written notice
5 required by this section was received by the team before the date of
6 the person's release.

7 (c) The Texas Department of Criminal Justice [~~or the~~
8 ~~Department of State Health Services, as appropriate,~~] shall give
9 the notice described by Subsection (a) [~~or (b)~~] not later than the
10 first day of the 24th [~~16th~~] month before the person's anticipated
11 release [~~or discharge~~] date, but under exigent circumstances may
12 give the notice at any time before that [~~the anticipated release or~~
13 ~~discharge~~] date, except as provided by Subsection (a-1). The
14 notice must contain the following information:

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

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

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

23 (d) The Texas Department of Criminal Justice may not provide
24 notice under Subsection (a) of the anticipated release of a person
25 for whom the department has previously provided notice under this
26 section and who has been previously recommended for an assessment
27 under Section 841.022 unless, after the recommendation for

1 assessment was made:

2 (1) the person is convicted of a new sexually violent
3 offense; or

4 (2) the person's parole or mandatory supervision is
5 revoked based on:

6 (A) the commission of a new sexually violent
7 offense;

8 (B) failure to adhere to the requirements of sex
9 offender treatment and supervision; or

10 (C) failure to register as a sex offender.

11 SECTION 5. Section 841.022, Health and Safety Code, as
12 amended by S.B. No. 219, Acts of the 84th Legislature, Regular
13 Session, 2015, is amended by amending Subsections (a) and (c) and
14 adding Subsection (a-1) to read as follows:

15 (a) The executive director of the Texas Department of
16 Criminal Justice [~~and the commissioner of state health services~~
17 ~~jointly~~] shall establish a multidisciplinary team to review
18 available records of a person referred to the team under Section
19 841.021. The team must include:

20 (1) a mental health professional [~~one person~~] from the
21 Department of State Health Services;

22 (2) two persons from the Texas Department of Criminal
23 Justice as follows:

24 (A) [~~7~~] one person [~~of whom must be~~] from the
25 victim services division; and

26 (B) one person from the sex offender
27 rehabilitation program in the rehabilitation programs division [~~of~~

1 ~~that department];~~

2 (3) a licensed peace officer who is employed by the
3 Department of Public Safety and who has at least five years'
4 experience working for that department or the officer's designee
5 ~~[one person from the Department of Public Safety];~~

6 (4) two persons from the office ~~[or office personnel];~~
7 and

8 (5) a licensed sex offender treatment provider ~~[one~~
9 ~~person]~~ from the Council on Sex Offender Treatment.

10 (a-1) The Texas Department of Criminal Justice, in
11 consultation with the office, shall provide training to the members
12 of the multidisciplinary team regarding the civil commitment
13 program under this chapter, including training regarding:

14 (1) eligibility criteria for commitment;

15 (2) the process for evaluating persons for commitment;

16 and

17 (3) the sex offender treatment program for persons
18 committed under this chapter.

19 (c) Not later than the 60th day after the date the
20 multidisciplinary team receives notice under Section 841.021(a)
21 ~~[or (b)]~~, the team shall:

22 (1) assess whether the person is a repeat sexually
23 violent offender and whether the person is likely to commit a
24 sexually violent offense after release ~~[or discharge];~~

25 (2) give notice of that assessment to the Texas
26 Department of Criminal Justice ~~[or the Department of State Health~~
27 ~~Services, as appropriate];~~ and

1 (3) recommend the assessment of the person for a
2 behavioral abnormality, as appropriate.

3 SECTION 6. Section 841.023, Health and Safety Code, is
4 amended to read as follows:

5 Sec. 841.023. ASSESSMENT FOR BEHAVIORAL ABNORMALITY.

6 (a) Not later than the 60th day after the date of a recommendation
7 under Section 841.022(c), the Texas Department of Criminal Justice
8 [~~or the Department of State Health Services, as appropriate,~~] shall
9 assess whether the person suffers from a behavioral abnormality
10 that makes the person likely to engage in a predatory act of sexual
11 violence. To aid in the assessment, the department [~~required to~~
12 ~~make the assessment~~] shall use an expert to examine the person. The
13 [~~That~~] department may contract for the expert services required by
14 this subsection. The expert shall make a clinical assessment based
15 on testing for psychopathy, a clinical interview, and other
16 appropriate assessments and techniques to aid the department in its
17 assessment.

18 (b) If as a result of the assessment the Texas Department of
19 Criminal Justice [~~or the Department of State Health Services~~]
20 believes that the person suffers from a behavioral abnormality, not
21 later than the 60th day after the date of a recommendation under
22 Section 841.022(c) the department [~~making the assessment~~] shall
23 give notice of that assessment and provide corresponding
24 documentation to the attorney representing the state for the county
25 in which the person was most recently convicted of a sexually
26 violent offense [~~not later than the 60th day after the date of a~~
27 ~~recommendation under Section 841.022(c)~~].

1 SECTION 7. Section 841.041(a), Health and Safety Code, is
2 amended to read as follows:

3 (a) If a person is referred to the attorney representing the
4 state under Section 841.023, the attorney may file, in the [~~a~~
5 ~~Montgomery County district~~] court of conviction for the person's
6 most recent sexually violent offense [~~other than a family district~~
7 ~~court~~], a petition alleging that the person is a sexually violent
8 predator and stating facts sufficient to support the allegation.

9 SECTION 8. Subchapter C, Chapter 841, Health and Safety
10 Code, is amended by adding Section 841.042 to read as follows:

11 Sec. 841.042. ASSISTANCE FROM SPECIAL PROSECUTION UNIT. On
12 request of the attorney representing the state, the special
13 prosecution unit shall provide legal, financial, and technical
14 assistance to the attorney for a civil commitment proceeding
15 conducted under this chapter.

16 SECTION 9. Section 841.061(a), Health and Safety Code, is
17 amended to read as follows:

18 (a) The [~~Not later than the 270th day after the date a~~
19 ~~petition is served on the person under Section 841.041, the~~] judge
20 shall conduct a trial to determine whether the person is a sexually
21 violent predator:

22 (1) not later than the 270th day after the date a
23 petition is served on the person under Section 841.041; and

24 (2) not later than the person's sentence discharge
25 date.

26 SECTION 10. Section 841.063, Health and Safety Code, is
27 amended to read as follows:

1 Sec. 841.063. CONTINUANCE. (a) Except as provided by
2 Subsection (b), the [The] judge may continue a trial or hearing
3 conducted under this chapter if the person is not substantially
4 prejudiced by the continuance and:

5 (1) on the request of either party and a showing of
6 good cause; or

7 (2) on the judge's own motion in the due administration
8 of justice.

9 (b) The judge may not continue a trial conducted under this
10 chapter to a date occurring later than the person's sentence
11 discharge date.

12 SECTION 11. Subchapter D, Chapter 841, Health and Safety
13 Code, is amended by adding Section 841.065 to read as follows:

14 Sec. 841.065. AGREED ORDER. An agreed order of civil
15 commitment must require the person to submit to the treatment and
16 supervision administered by the office.

17 SECTION 12. Section [841.081](#), Health and Safety Code, is
18 amended to read as follows:

19 Sec. 841.081. CIVIL COMMITMENT OF PREDATOR. (a) If at a
20 trial conducted under Subchapter D the judge or jury determines
21 that the person is a sexually violent predator, the judge shall
22 commit the person for [~~outpatient~~] treatment and supervision to be
23 coordinated by the office [~~case manager~~]. The commitment order is
24 effective immediately on entry of the order, except that the
25 [~~outpatient~~] treatment and supervision begins on the person's
26 release from a secure correctional facility [~~or discharge from a~~
27 ~~state hospital~~] and continues until the person's behavioral

1 abnormality has changed to the extent that the person is no longer
2 likely to engage in a predatory act of sexual violence.

3 (b) At any time after entry of a commitment order under
4 Subsection (a), the office [~~case manager~~] may provide to the person
5 instruction regarding the requirements associated with the order,
6 regardless of whether the person is incarcerated at the time of the
7 instruction.

8 SECTION 13. Sections 841.082(a) and (b), Health and Safety
9 Code, are amended to read as follows:

10 (a) Before entering an order directing a person's
11 [~~outpatient~~] civil commitment, the judge shall impose on the person
12 requirements necessary to ensure the person's compliance with
13 treatment and supervision and to protect the community. The
14 requirements shall include:

15 (1) requiring the person to reside where instructed
16 [~~in a Texas residential facility under contract with the office or~~
17 ~~at another location or facility approved~~] by the office;

18 (2) prohibiting the person's contact with a victim [~~or~~
19 ~~potential victim~~] of the person;

20 (3) [~~prohibiting the person's possession or use of~~
21 ~~alcohol, inhalants, or a controlled substance,~~

22 [~~(4)~~] requiring the person's participation in and
23 compliance with the sex offender treatment program [~~a specific~~
24 ~~course of treatment~~] provided by the office and compliance with all
25 written requirements imposed by the [~~case manager or otherwise by~~
26 ~~the~~] office;

27 (4) [~~(5)~~] requiring the person to:

1 (A) submit to tracking under a particular type of
2 tracking service and to any other appropriate supervision; and

3 (B) refrain from tampering with, altering,
4 modifying, obstructing, or manipulating the tracking equipment;
5 and

6 (5) [~~(6)~~] prohibiting the person from [~~changing the~~
7 ~~person's residence without prior authorization from the judge and~~
8 ~~from~~] leaving the state without [~~that~~] prior authorization from the
9 office [+

10 [~~(7) if determined appropriate by the judge,~~
11 ~~establishing a child safety zone in the same manner as a child~~
12 ~~safety zone is established by a judge under Section 13B, Article~~
13 ~~42.12, Code of Criminal Procedure, and requiring the person to~~
14 ~~comply with requirements related to the safety zone; and~~

15 [~~(8) any other requirements determined necessary by~~
16 ~~the judge~~].

17 (b) A tracking service to which a person is required to
18 submit under Subsection (a)(4) [~~(a)(5)~~] must:

19 (1) track the person's location in real time;

20 (2) be able to provide a real-time report of the
21 person's location to the office on [~~case manager at the case~~
22 ~~manager's~~] request; and

23 (3) periodically provide a cumulative report of the
24 person's location to the office [~~case manager~~].

25 SECTION 14. Subchapter E, Chapter 841, Health and Safety
26 Code, is amended by adding Sections 841.0821 and 841.0822 to read as
27 follows:

1 Sec. 841.0821. SEX OFFENDER TREATMENT BEFORE RELEASE FROM
2 SECURE CORRECTIONAL FACILITY. (a) The Texas Department of
3 Criminal Justice shall prioritize enrolling in a sex offender
4 treatment program established by the department any committed
5 person who has not yet been released by the department.

6 (b) The Texas Department of Criminal Justice and the office
7 shall adopt a memorandum of understanding that establishes their
8 respective responsibilities to institute a continuity of care for
9 committed persons enrolled in a sex offender treatment program
10 established by the department.

11 Sec. 841.0822. REQUIRED PROCEDURES BEFORE RELEASE FROM
12 SECURE CORRECTIONAL FACILITY. Before a committed person is
13 released from a secure correctional facility, the Texas Department
14 of Criminal Justice shall ensure that:

15 (1) the Department of Public Safety issues a personal
16 identification card to the person; and

17 (2) the person completes an application for the
18 following federal benefits, as appropriate, for which the person
19 may be eligible:

20 (A) social security benefits, including
21 disability benefits, administered by the United States Social
22 Security Administration; and

23 (B) veterans benefits administered by the United
24 States Department of Veterans Affairs.

25 SECTION 15. Section 841.083, Health and Safety Code, is
26 amended to read as follows:

27 Sec. 841.083. TREATMENT; SUPERVISION. (a) The office

1 shall determine the conditions of supervision and treatment of a
2 committed person [~~approve and contract for the provision of a~~
3 ~~treatment plan for the committed person to be developed by the~~
4 ~~treatment provider. A treatment plan may include the monitoring of~~
5 ~~the person with a polygraph or plethysmograph. The treatment~~
6 ~~provider may receive annual compensation in an amount not to exceed~~
7 ~~\$10,000 for providing the required treatment~~].

8 (b) The office [~~case manager~~] shall provide supervision to
9 the person. The provision of supervision must include a tracking
10 service and, if determined necessary by the office [~~required by~~
11 ~~court order~~], supervised housing.

12 (c) The office shall enter into appropriate memoranda of
13 understanding with the Texas Department of Criminal Justice
14 [~~Department of Public Safety~~] for the provision of a tracking
15 service and with the Department of Public Safety and local law
16 enforcement authorities for assistance in the preparation of
17 criminal complaints, warrants, and related documents and in the
18 apprehension and arrest of a person.

19 (d) The office shall enter into appropriate contracts
20 [~~memoranda of understanding~~] for the provision of any necessary
21 supervised housing and other related services and may enter into
22 appropriate contracts for medical and mental health services and
23 sex offender treatment. [~~The office shall reimburse the applicable~~
24 ~~provider for housing costs under this section.~~]

25 (e) The case manager shall:

26 (1) coordinate the [~~outpatient~~] treatment and
27 supervision required by this chapter, including performing a

1 periodic assessment of the success of that treatment and
2 supervision; and

3 (2) [~~make timely recommendations to the judge on~~
4 ~~whether to allow the committed person to change residence or to~~
5 ~~leave the state and on any other appropriate matters; and~~

6 [~~(3)~~] provide a report to the office, semiannually or
7 more frequently as necessary, which must include[+]

8 [~~(A)~~] any known change in the person's status
9 that affects proper treatment and supervision[+ ~~and~~

10 [~~(B)~~ any recommendations made to the judge].

11 SECTION 16. Subchapter E, Chapter 841, Health and Safety
12 Code, is amended by adding Sections 841.0831, 841.0832, 841.0833,
13 841.0834, 841.0835, and 841.0836 to read as follows:

14 Sec. 841.0831. TIERED PROGRAM. (a) The office shall
15 develop a tiered program for the supervision and treatment of a
16 committed person.

17 (b) The tiered program must provide for the seamless
18 transition of a committed person from a total confinement facility
19 to less restrictive housing and supervision and eventually to
20 release from civil commitment, based on the person's behavior and
21 progress in treatment.

22 Sec. 841.0832. HOUSING FACILITIES. (a) The office shall
23 operate, or contract with a vendor to operate, one or more
24 facilities provided for the purpose of housing committed persons.

25 (b) The office shall designate a facility under Subsection
26 (a) to serve as an intake and orientation facility for committed
27 persons on release from a secure correctional facility.

1 Sec. 841.0833. SECURITY AND MONITORING. The office shall
2 develop procedures for the security and monitoring of committed
3 persons in each programming tier.

4 Sec. 841.0834. MOVEMENT BETWEEN PROGRAMMING TIERS.

5 (a) The office shall transfer a committed person to less
6 restrictive housing and supervision if the transfer is in the best
7 interests of the person and conditions can be imposed that
8 adequately protect the community.

9 (b) Without the office's approval, a committed person may
10 file a petition with the court for transfer to less restrictive
11 housing and supervision. The court shall grant the transfer if the
12 court determines that the transfer is in the best interests of the
13 person and conditions can be imposed that adequately protect the
14 community.

15 (c) The office shall return a committed person who has been
16 transferred to less restrictive housing and supervision to a more
17 restrictive setting if the office considers the transfer necessary
18 to further treatment and to protect the community. The decision to
19 transfer the person must be based on the person's behavior or
20 progress in treatment.

21 (d) A committed person returned to a more restrictive
22 setting under Subsection (c) is entitled to file a petition with the
23 court seeking review of the office's determination. The court
24 shall order the office to transfer the person to less restrictive
25 housing and supervision only if the court determines that the
26 office's determination was not made in accordance with Subsection
27 (c).

1 Sec. 841.0835. COMMITTED PERSONS WITH SPECIAL NEEDS. The
2 Health and Human Services Commission shall coordinate with the
3 office to provide psychiatric services, disability services, and
4 housing for a committed person with an intellectual or
5 developmental disability, a mental illness, or a physical
6 disability that prevents the person from effectively participating
7 in the sex offender treatment program administered by the office.

8 Sec. 841.0836. RELEASE FROM HOUSING. A committed person
9 released from housing operated by or under contract with the office
10 shall be released to the county in which the person was most
11 recently convicted of a sexually violent offense.

12 SECTION 17. Section [841.084](#), Health and Safety Code, is
13 amended to read as follows:

14 Sec. 841.084. PAYMENT OF COSTS BY COMMITTED PERSON [~~COST OF~~
15 ~~TRACKING SERVICE~~]. (a) Notwithstanding Section [841.146](#)(c), a
16 civilly committed person who is not indigent:

17 (1) is responsible for the cost of:

18 (A) housing and treatment provided under this
19 chapter; and

20 (B) the tracking service required by Section
21 [841.082](#); and

22 (2) monthly shall pay to the office the amount that the
23 office determines will be necessary to defray the cost of providing
24 the housing, treatment, and [~~operating the~~] service with respect to
25 the person [~~during the subsequent month. The office immediately~~
26 ~~shall transfer the money to the appropriate service provider~~].

27 (b) Money collected under this section shall be deposited to

1 the credit of the account from which the costs were originally paid.

2 SECTION 18. Subchapter E, Chapter 841, Health and Safety
3 Code, is amended by adding Section 841.0845 to read as follows:

4 Sec. 841.0845. NOTICE OF INTENT REGARDING NEW RESIDENCE OR
5 FACILITY. (a) The office shall provide advance notice of any
6 intent to house one or more committed persons at a new residence or
7 facility that has not previously served as housing for committed
8 persons under this chapter.

9 (b) A vendor shall provide advance notice of any intent to
10 submit a proposal to the office for the construction or renovation
11 of a residence or facility that will serve as a new location for
12 housing committed persons under this chapter.

13 (c) Notice must be provided in writing to each member of the
14 legislature who represents a district containing territory in the
15 affected county as follows:

16 (1) by a vendor, not later than the 30th day before the
17 date that the vendor will submit a proposal described by Subsection
18 (b) to the office; and

19 (2) by the office:

20 (A) as soon as practicable after awarding a
21 contract for the construction or renovation of a residence or
22 facility that will serve as a new location for housing committed
23 persons under this chapter; or

24 (B) if a construction or renovation contract is
25 unnecessary for the purpose, not later than the 30th day before the
26 date that the residence or facility will first be used as housing
27 for committed persons under this chapter, except as provided by

1 Subsection (d).

2 (d) The office may provide notice required by Subsection
3 (c)(2)(B) not later than 72 hours before transferring a committed
4 person to the residence or facility if the transfer is necessary due
5 to:

6 (1) a medical emergency;

7 (2) a serious behavioral or health and safety issue;

8 or

9 (3) release from a secure correctional facility.

10 SECTION 19. Section 841.085(a), Health and Safety Code, is
11 amended to read as follows:

12 (a) A person commits an offense if, after having been
13 adjudicated and civilly committed as a sexually violent predator
14 under this chapter, the person violates a civil commitment
15 requirement imposed under Section 841.082(a)(1), (2), (4), or (5)
16 [841.082].

17 SECTION 20. Section 841.101(b), Health and Safety Code, is
18 amended to read as follows:

19 (b) In preparation for a judicial review conducted under
20 Section 841.102, the office [~~case manager~~] shall provide a report
21 of the biennial examination to the judge and to the person. The
22 report must include consideration of whether to modify a
23 requirement imposed on the person under this chapter and whether to
24 release the person from all requirements imposed on the person
25 under this chapter. [~~The case manager shall provide a copy of the~~
26 ~~report to the office.~~]

27 SECTION 21. Section 841.102(a), Health and Safety Code, is

1 amended to read as follows:

2 (a) Not later than the 60th day after the date of receipt of
3 the report submitted under Section 841.101, the [The] judge shall
4 conduct a biennial review of the status of the committed person and
5 issue an order concluding the review or setting a hearing under
6 Subsection (c).

7 SECTION 22. Section 841.121(a), Health and Safety Code, is
8 amended to read as follows:

9 (a) If the office [~~case manager~~] determines that the
10 committed person's behavioral abnormality has changed to the extent
11 that the person is no longer likely to engage in a predatory act of
12 sexual violence, the office [~~case manager~~] shall authorize the
13 person to petition the court for release.

14 SECTION 23. Section 841.122, Health and Safety Code, is
15 amended to read as follows:

16 Sec. 841.122. RIGHT TO FILE UNAUTHORIZED PETITION FOR
17 RELEASE. On a person's commitment and annually after that
18 commitment, the office [~~case manager~~] shall provide the person with
19 written notice of the person's right to file with the court and
20 without the office's [~~case manager's~~] authorization a petition for
21 release.

22 SECTION 24. Sections 841.123(a), (b), and (c), Health and
23 Safety Code, are amended to read as follows:

24 (a) If the committed person files a petition for release
25 without the office's [~~case manager's~~] authorization, the person
26 shall serve the petition on the court and the attorney representing
27 the state.

1 (b) The judge shall review and issue a ruling on [~~On receipt~~
2 ~~of~~] a petition for release filed by the committed person without the
3 office's [~~case manager's~~] authorization not later than the 60th day
4 after the date of filing of the petition[~~, the judge shall attempt~~
5 ~~as soon as practicable to review the petition~~].

6 (c) Except as provided by Subsection (d), the judge shall
7 deny without a hearing a petition for release filed without the
8 office's [~~case manager's~~] authorization if the petition is
9 frivolous or if:

10 (1) the petitioner previously filed without the
11 office's [~~case manager's~~] authorization another petition for
12 release; and

13 (2) the judge determined on review of the previous
14 petition or following a hearing that:

15 (A) the petition was frivolous; or

16 (B) the petitioner's behavioral abnormality had
17 not changed to the extent that the petitioner was no longer likely
18 to engage in a predatory act of sexual violence.

19 SECTION 25. Section [841.124](#)(a), Health and Safety Code, is
20 amended to read as follows:

21 (a) If as authorized by Section [841.123](#) the judge does not
22 deny a petition for release filed by the committed person without
23 the office's [~~case manager's~~] authorization, the judge shall
24 conduct [~~as soon as practicable~~] a hearing on the petition not later
25 than the 60th day after the date of filing of the petition.

26 SECTION 26. Section [841.141](#)(b), Health and Safety Code, is
27 amended to read as follows:

1 (b) The office [~~by rule~~] shall adopt rules to:

2 (1) develop standards of care and case management for
3 persons committed under this chapter;

4 (2) determine the conditions of supervision and
5 treatment of a committed person; and

6 (3) develop and implement the tiered program described
7 by Section 841.0831, including rules regarding a committed person's
8 transition between programming tiers.

9 SECTION 27. Sections 841.142(b), (c), and (d), Health and
10 Safety Code, are amended to read as follows:

11 (b) To protect the public and to enable the provision of
12 supervision and treatment to a person who is a sexually violent
13 predator, any entity that possesses relevant information relating
14 to the person shall release the information to the office [~~case~~
15 ~~manager~~].

16 (c) On the written request of any attorney for another state
17 or for a political subdivision in another state, the Texas
18 Department of Criminal Justice, the office, a service provider
19 contracting with one of those agencies, the multidisciplinary team,
20 and the applicable attorney representing the state shall release to
21 the attorney any available information relating to a person that is
22 sought in connection with an attempt to civilly commit the person as
23 a sexually violent predator in another state.

24 (d) To protect the public and to enable an assessment or
25 determination relating to whether a person is a sexually violent
26 predator or to enable the provision of supervision and treatment to
27 a person who is a sexually violent predator, the Texas Department of

1 Criminal Justice, the office, a service provider contracting with
2 one of those agencies, the multidisciplinary team, and the
3 applicable attorney representing the state may exchange any
4 available information relating to the person.

5 SECTION 28. Section 841.146(c), Health and Safety Code, is
6 amended to read as follows:

7 (c) In an amount not to exceed \$2,500, the State of Texas
8 shall pay all costs associated with a civil commitment proceeding
9 conducted under Subchapter D. The State of Texas shall pay the
10 reasonable costs of state or appointed counsel or experts for any
11 other civil commitment proceeding conducted under this chapter and
12 shall pay the reasonable costs of the person's [~~outpatient~~]
13 treatment and supervision.

14 SECTION 29. Section 841.147, Health and Safety Code, is
15 amended to read as follows:

16 Sec. 841.147. IMMUNITY. The following persons are immune
17 from liability for good faith conduct under this chapter:

18 (1) an employee or officer of the Texas Department of
19 Criminal Justice [~~, the Department of State Health Services, the~~
20 ~~Department of Aging and Disability Services,~~] or the office;

21 (2) a member of the multidisciplinary team established
22 under Section 841.022;

23 (3) the applicable attorney representing the state and
24 an employee of the attorney [~~an employee of the civil division of~~
25 ~~the special prosecution unit charged with initiating and pursuing~~
26 ~~civil commitment proceedings under this chapter~~]; and

27 (4) a person providing, or contracting, appointed, or

1 volunteering to perform, a tracking service or another service
2 under this chapter.

3 SECTION 30. Section 841.150, Health and Safety Code, as
4 amended by S.B. No. 219, Acts of the 84th Legislature, Regular
5 Session, 2015, is amended to read as follows:

6 Sec. 841.150. EFFECT OF SUBSEQUENT DETENTION, CONFINEMENT,
7 OR COMMITMENT [~~OR CONFINEMENT~~] ON ORDER OF CIVIL COMMITMENT.

8 (a) The duties imposed on the office and the judge by this chapter
9 are suspended for the duration of a detention or [any] confinement
10 of a committed person in a correctional facility, secure
11 correctional facility, or secure detention facility, or if
12 applicable any other commitment of the [a] person to a community
13 center, mental health facility, or state supported living center,
14 by governmental action.

15 (b) In this section:

16 (1) "Community center" means a center established
17 under Subchapter A, Chapter 534.

18 (2) "Correctional facility" has the meaning assigned
19 by Section 1.07, Penal Code.

20 (3) "Mental health facility" has the meaning assigned
21 by Section 571.003.

22 (4) "Secure correctional facility" and "secure
23 detention facility" have the meanings assigned by Section 51.02,
24 Family Code.

25 (5) [~~3~~] "State supported living center" has the
26 meaning assigned by Section 531.002.

27 SECTION 31. Sections 841.151(b) and (c), Health and Safety

1 Code, are amended to read as follows:

2 (b) This section applies to a person who has been civilly
3 committed under this chapter and who is detained or confined in a
4 correctional facility, secure correctional facility, or secure
5 detention facility as a result of violating:

6 (1) a civil commitment requirement imposed under
7 Section 841.082(a)(1), (2), (4), or (5) [~~841.082~~]; or

8 (2) a law of this state.

9 (c) Not later than the day preceding the date a correctional
10 facility, secure correctional facility, or secure detention
11 facility releases a person who, at the time of the person's
12 detention or confinement, was civilly committed under this chapter
13 as a sexually violent predator, the facility shall notify the
14 office and the person's case manager in writing of the anticipated
15 date and time of the person's release.

16 SECTION 32. Article 13.315, Code of Criminal Procedure, is
17 amended to read as follows:

18 Art. 13.315. FAILURE TO COMPLY WITH SEXUALLY VIOLENT
19 PREDATOR CIVIL COMMITMENT REQUIREMENT. An offense under Section
20 841.085, Health and Safety Code, may be prosecuted in the county in
21 which any element of the offense occurs or in the court that retains
22 jurisdiction over the civil commitment proceeding under Section
23 841.082, Health and Safety Code [~~Montgomery County~~].

24 SECTION 33. Section 24.579(c), Government Code, is amended
25 to read as follows:

26 (c) Notwithstanding any other law and only to the extent
27 that the duties of those individuals relate to civil commitment

1 proceedings under Chapter 841, Health and Safety Code, or to
2 criminal cases involving offenses under Section 841.085, Health and
3 Safety Code, and Article 62.203, Code of Criminal Procedure, the
4 state shall pay the salaries of and other expenses related to the
5 court reporter appointed for the 435th District Court under Section
6 52.041 and the court coordinator appointed for the court under
7 Section 74.101. The salaries of the court reporter and court
8 coordinator shall be set in amounts commensurate with the salaries
9 paid by other district courts for those positions.

10 SECTION 34. Section 411.1389, Government Code, is amended
11 to read as follows:

12 Sec. 411.1389. ACCESS TO CRIMINAL HISTORY RECORD
13 INFORMATION: TEXAS CIVIL COMMITMENT OFFICE [~~OF VIOLENT SEX~~
14 ~~OFFENDER MANAGEMENT~~]. (a) The Texas Civil Commitment Office [~~of~~
15 ~~Violent Sex Offender Management~~] is entitled to obtain from the
16 department criminal history record information that is maintained
17 by the department and that relates to a person who has applied with
18 the office to be:

- 19 (1) an employee of the office; or
- 20 (2) a contracted service provider with the office.

21 (b) Criminal history record information obtained by the
22 Texas Civil Commitment Office [~~of Violent Sex Offender Management~~]
23 under Subsection (a) may not be released or disclosed to any person
24 or agency except on court order or with the consent of the person
25 who is the subject of the information.

26 (c) The Texas Civil Commitment Office [~~of Violent Sex~~
27 ~~Offender Management~~] shall destroy criminal history record

1 information obtained under Subsection (a) as soon as practicable
2 after the date on which, as applicable:

3 (1) the person's employment or contract with the
4 office terminates; or

5 (2) the office decides not to employ or contract with
6 the person.

7 SECTION 35. The heading to Chapter 420A, Government Code,
8 is amended to read as follows:

9 CHAPTER 420A. TEXAS CIVIL COMMITMENT OFFICE [~~OF VIOLENT SEX~~
10 ~~OFFENDER MANAGEMENT~~]

11 SECTION 36. Section 420A.001, Government Code, is amended
12 to read as follows:

13 Sec. 420A.001. DEFINITIONS. In this chapter:

14 (1) "Board" means the governing board of the Texas
15 Civil Commitment Office [~~of Violent Sex Offender Management~~].

16 (2) "Office" means the Texas Civil Commitment Office
17 [~~of Violent Sex Offender Management~~].

18 SECTION 37. Sections 420A.002(a), (b), and (c), Government
19 Code, are amended to read as follows:

20 (a) The Texas Civil Commitment Office [~~of Violent Sex~~
21 ~~Offender Management~~] is a state agency.

22 (b) The office is governed by a board composed of five [~~the~~
23 ~~following three~~] members appointed by the governor, including:

24 (1) one member experienced in the management of sex
25 offenders;

26 (2) one member experienced in the investigation or
27 prosecution of sex offenses; and

1 (3) one member experienced in counseling or advocating
2 on behalf of victims of sexual assault.

3 (c) Members of the board serve staggered two-year terms.
4 Three [~~Two~~] members' terms expire February 1 of each even-numbered
5 year and two members' terms expire [~~one member's term expires~~]
6 February 1 of each odd-numbered year.

7 SECTION 38. Section 420A.004, Government Code, is amended
8 to read as follows:

9 Sec. 420A.004. SUNSET PROVISION. The Texas Civil
10 Commitment Office [~~of Violent Sex Offender Management~~] is subject
11 to Chapter 325 (Texas Sunset Act). Unless continued in existence as
12 provided by that chapter, the office is abolished and this chapter
13 expires September 1, 2023.

14 SECTION 39. The following laws are repealed:

15 (1) Section 24.579(b), Government Code; and

16 (2) Sections 841.004, 841.021(b), and 841.085(c),
17 Health and Safety Code.

18 SECTION 40. (a) Except as provided by Subsection (a-1) of
19 this section, the changes in law made by this Act to Chapter 841,
20 Health and Safety Code, apply to a civil commitment proceeding
21 under that chapter that is initiated on or after the effective date
22 of this Act, regardless of when the applicable petition for civil
23 commitment was filed.

24 (a-1) The jurisdiction of a district court, the
25 representation of the state by the civil division of the special
26 prosecution unit, and the representation of a respondent by the
27 Office of State Counsel for Offenders or other court-appointed

1 counsel in any civil commitment trial, any review of a petition for
2 release, or any biennial review under Chapter 841, Health and
3 Safety Code, that is pending on the effective date of this Act
4 remain unaffected by this Act until the conclusion of that
5 proceeding.

6 (b) If a civil commitment requirement imposed under Chapter
7 841, Health and Safety Code, before the effective date of this Act
8 differs from any of the civil commitment requirements listed in
9 Section 841.082, Health and Safety Code, as amended by this Act, the
10 applicable court with jurisdiction over the committed person shall,
11 after notice and hearing, modify the requirement imposed as
12 applicable to conform to that section.

13 SECTION 41. The change in law made by this Act in amending
14 Section 841.085, Health and Safety Code, applies to an offense
15 committed before, on, or after the effective date of this Act,
16 except that a final conviction for an offense under that section
17 that exists on the effective date of this Act remains unaffected by
18 this Act.

19 SECTION 42. As soon as practicable after the effective date
20 of this Act, the governor shall appoint the additional members to
21 the governing board of the Texas Civil Commitment Office, as
22 required by Section 420A.002, Government Code, as amended by this
23 Act. In making those appointments, the governor shall appoint one
24 member to a term expiring February 1, 2016, and one member to a term
25 expiring February 1, 2017.

26 SECTION 43. To the extent of any conflict, this Act prevails
27 over another Act of the 84th Legislature, Regular Session, 2015,

1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

3 SECTION 44. This Act takes effect immediately if it
4 receives a vote of two-thirds of all the members elected to each
5 house, as provided by Section 39, Article III, Texas Constitution.
6 If this Act does not receive the vote necessary for immediate
7 effect, this Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 746 passed the Senate on April 23, 2015, by the following vote: Yeas 28, Nays 2; and that the Senate concurred in House amendments on May 21, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 746 passed the House, with amendments, on May 18, 2015, by the following vote: Yeas 137, Nays 3, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor