

By: Whitmire

S.B. No. 746

A BILL TO BE ENTITLED

AN ACT

relating to the civil commitment of sexually violent predators.

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

SECTION 1. Sections 841.002(3), (4), (5), and (8), Health and Safety Code, are amended to read as follows:

(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]~~.

(5) "Predatory act" means an act directed toward:

(A) a stranger;

(B) a person of casual acquaintance with whom no substantial personal relationship exists; or

(C) a person with whom a relationship has been established or promoted ~~[individuals, including family members,]~~ for the primary purpose of victimization.

(8) "Sexually violent offense" means:

(A) an offense under Section 21.02, ~~[21.11(a)(1),]~~ 22.011, or 22.021, Penal Code;

(B) an offense under Section 20.04(a)(4), Penal Code, if the person committed the offense with the intent to violate or abuse the victim sexually;

1 (C) an offense under Section 30.02, Penal Code,
2 if the offense is punishable under Subsection (d) of that section
3 and the person committed the offense with the intent to commit an
4 offense listed in Paragraph (A) or (B);

5 (D) an offense under Section 19.02 or 19.03,
6 Penal Code, that, during the guilt or innocence phase or the
7 punishment phase for the offense, during the adjudication or
8 disposition of delinquent conduct constituting the offense, or
9 subsequently during a civil commitment proceeding under Subchapter
10 D, is determined beyond a reasonable doubt to have been based on
11 sexually motivated conduct;

12 (E) an attempt, conspiracy, or solicitation, as
13 defined by Chapter 15, Penal Code, to commit an offense listed in
14 Paragraph (A), (B), (C), or (D);

15 (F) an offense under prior state law that
16 contains elements substantially similar to the elements of an
17 offense listed in Paragraph (A), (B), (C), (D), or (E); or

18 (G) an offense under the law of another state,
19 federal law, or the Uniform Code of Military Justice that contains
20 elements substantially similar to the elements of an offense listed
21 in Paragraph (A), (B), (C), (D), or (E).

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

24 (b) A person is a repeat sexually violent offender for the
25 purposes of this chapter [~~if the person is convicted of more than~~
26 ~~one sexually violent offense and a sentence is imposed for at least~~
27 ~~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;

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 having
12 engaged in delinquent conduct constituting a sexually violent
13 offense and is committed to the Texas Juvenile Justice Department
14 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 insanity.

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

25 Sec. 841.007. DUTIES OF TEXAS CIVIL COMMITMENT OFFICE [~~OF~~
26 ~~VIOLENT SEX OFFENDER MANAGEMENT~~]. The Texas Civil Commitment
27 Office [~~of Violent Sex Offender Management~~] is responsible for:

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

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

6 SECTION 4. Subchapter A, Chapter 841, Health and Safety
7 Code, is amended by adding Section 841.008 to read as follows:

8 Sec. 841.008. RIGHTS OF COMMITTED PERSONS. (a) In this
9 section, "individualized treatment" means treatment:

10 (1) based on a diagnostic assessment that is tailored
11 to a committed person; and

12 (2) with specific goals and objectives that are
13 appropriate to the person and the office's treatment program.

14 (b) A person committed under this chapter:

15 (1) has the right to adequate care and individualized
16 treatment;

17 (2) does not forfeit any legal right or suffer any
18 legal disability as a consequence of that commitment, other than as
19 specifically provided by this chapter or other law; and

20 (3) is entitled to seek relief from commitment by any
21 available legal method, including by application for writ of habeas
22 corpus.

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

25 Sec. 841.021. NOTICE OF POTENTIAL PREDATOR. (a) Except as
26 provided by Subsection (d), before [~~Before~~] the person's
27 anticipated sentence discharge [~~release~~] date, the Texas

1 Department of Criminal Justice shall give to the multidisciplinary
2 team established under Section 841.022 written notice of the
3 anticipated sentence discharge [~~release~~] of a person who:

4 (1) is serving a sentence for:

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

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

10 (2) is not released or scheduled to be released on
11 parole or to mandatory supervision; and

12 (3) [~~2~~] may be a repeat sexually violent offender.

13 (b) Except as provided by Subsection (d), before [~~Before~~]
14 the person's anticipated discharge date from a state hospital, the
15 Department of State Health Services shall give to the
16 multidisciplinary team established under Section 841.022 written
17 notice of the anticipated discharge of a person who:

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

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

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

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

26 (c) The Texas Department of Criminal Justice or the
27 Department of State Health Services, as appropriate, shall give the

1 notice described by Subsection (a) or (b) not later than the first
2 day of the 16th month before the person's anticipated sentence
3 [~~release or~~] discharge date or anticipated discharge date from a
4 state hospital, but under exigent circumstances may give the notice
5 at any time before that [~~the anticipated release or discharge~~]
6 date. The notice must contain the following information:

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

10 (2) documentation of the person's institutional
11 adjustment and actual treatment; and

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

15 (d) The Texas Department of Criminal Justice and the
16 Department of State Health Services may not provide notice under
17 Subsection (a) or (b) of the anticipated discharge date of a person
18 for whom the department has previously provided notice under this
19 section and who has been previously recommended for an assessment
20 under Section 841.022 unless, after the recommendation for
21 assessment was made:

22 (1) the person is convicted of, or adjudged not guilty
23 by reason of insanity of, a new sexually violent offense; or

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

26 (A) the commission of a new sexually violent
27 offense;

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

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

4 SECTION 6. Section 841.022, Health and Safety Code, is
5 amended by amending Subsections (a) and (c) and adding Subsection
6 (a-1) to read as follows:

7 (a) The executive director of the Texas Department of
8 Criminal Justice and the commissioner of the Department of State
9 Health Services jointly shall establish a multidisciplinary team to
10 review available records of a person referred to the team under
11 Section 841.021. The team must include:

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

14 (2) two persons from the Texas Department of Criminal
15 Justice as follows: [~~7~~]

16 (A) one person [~~of whom must be~~] from the victim
17 services office; and

18 (B) one person from the sex offender
19 rehabilitation program in the rehabilitation programs division [~~of~~
20 ~~that department~~];

21 (3) a licensed peace officer who is employed by the
22 Department of Public Safety and who has at least five years'
23 experience working for that department [~~one person from the~~
24 ~~Department of Public Safety~~];

25 (4) two persons from the office [~~or office personnel~~];
26 and

27 (5) a licensed sex offender treatment provider [~~one~~

1 ~~person~~] from the Council on Sex Offender Treatment.

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

6 (1) eligibility criteria for commitment;

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

8 and

9 (3) the sex offender treatment program for persons
10 committed under this chapter.

11 (c) Not later than the 60th day after the date the
12 multidisciplinary team receives notice under Section 841.021(a) or
13 (b), the team shall:

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

17 (2) give notice of that assessment to the Texas
18 Department of Criminal Justice or the ~~[Texas]~~ Department of State
19 Health Services ~~[Mental Health and Mental Retardation]~~, as
20 appropriate; and

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

23 SECTION 7. Section 841.041, Health and Safety Code, is
24 amended by amending Subsection (a) and adding Subsections (a-1) and
25 (c) to read as follows:

26 (a) Except as provided by Subsection (a-1), if ~~[if]~~ a person
27 is referred to the attorney representing the state under Section

1 841.023, the attorney may file, with the presiding judge of the
2 Second Administrative Judicial Region [~~in a Montgomery County~~
3 ~~district court other than a family district court~~], a petition
4 alleging that the person is a sexually violent predator and stating
5 facts sufficient to support the allegation.

6 (a-1) A petition may not be filed against a person who is
7 released on parole or to mandatory supervision.

8 (c) Not later than the 30th day after the date the petition
9 is filed, the presiding judge of the Second Administrative Judicial
10 Region shall assign the petition to a district court in the region,
11 other than a family district court.

12 SECTION 8. Section 841.061(a), Health and Safety Code, is
13 amended to read as follows:

14 (a) The applicable district court [~~Not later than the 270th~~
15 ~~day after the date a petition is served on the person under Section~~
16 ~~841.041, the~~] judge shall conduct a trial to determine whether a
17 [~~the~~] person is a sexually violent predator not later than the 270th
18 day after the later of:

19 (1) the date on which the petition is assigned under
20 Section 841.041 to the district court; or

21 (2) the date the petition is served on the person.

22 SECTION 9. Subchapter D, Chapter 841, Health and Safety
23 Code, is amended by adding Section 841.065 to read as follows:

24 Sec. 841.065. AGREED ORDER. An agreed order of civil
25 commitment must require the person to submit to the treatment and
26 supervision administered by the office.

27 SECTION 10. Section 841.081, Health and Safety Code, is

1 amended to read as follows:

2 Sec. 841.081. CIVIL COMMITMENT OF PREDATOR. (a) If at a
3 trial conducted under Subchapter D the judge or jury determines
4 that the person is a sexually violent predator, the judge shall
5 commit the person for ~~[outpatient]~~ treatment and supervision to be
6 coordinated by the office ~~[case manager]~~. The commitment order is
7 effective immediately on entry of the order, except that the
8 ~~[outpatient]~~ treatment and supervision begins on the person's
9 discharge ~~[release]~~ from a secure correctional facility or
10 ~~[discharge from]~~ a state hospital and continues until the person's
11 behavioral abnormality has changed to the extent that the person is
12 no longer likely to engage in a predatory act of sexual violence.

13 (b) At any time after entry of a commitment order under
14 Subsection (a), the office ~~[case manager]~~ may provide to the person
15 instruction regarding the requirements associated with the order,
16 regardless of whether the person is incarcerated at the time of the
17 instruction.

18 SECTION 11. Sections 841.082(a) and (b), Health and Safety
19 Code, are amended to read as follows:

20 (a) Before entering an order directing a person's
21 ~~[outpatient]~~ civil commitment, the judge shall impose on the person
22 requirements necessary to ensure the person's compliance with
23 treatment and supervision and to protect the community. The
24 requirements shall include:

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

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

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

5 ~~[(4)]~~ requiring the person's participation in and
6 compliance with the sex offender treatment program [~~a specific~~
7 ~~course of treatment~~] provided by the office and compliance with all
8 written requirements imposed by the [~~case manager or otherwise by~~
9 ~~the~~] office;

10 (4) ~~[(5)]~~ requiring the person to:

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

13 (B) refrain from tampering with, altering,
14 modifying, obstructing, or manipulating the tracking equipment;
15 and

16 (5) ~~[(6)]~~ prohibiting the person from [~~changing the~~
17 ~~person's residence without prior authorization from the judge and~~
18 ~~from~~] leaving the state without [~~that~~] prior authorization from the
19 office [+

20 ~~[(7) if determined appropriate by the judge,~~
21 ~~establishing a child safety zone in the same manner as a child~~
22 ~~safety zone is established by a judge under Section 13B, Article~~
23 ~~42.12, Code of Criminal Procedure, and requiring the person to~~
24 ~~comply with requirements related to the safety zone, and~~

25 ~~[(8) any other requirements determined necessary by~~
26 ~~the judge].~~

27 (b) A tracking service to which a person is required to

1 submit under Subsection (a)(4) [~~(a)(5)~~] must:

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

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

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

8 SECTION 12. Subchapter E, Chapter 841, Health and Safety
9 Code, is amended by adding Section 841.0821 to read as follows:

10 Sec. 841.0821. SEX OFFENDER TREATMENT BEFORE DISCHARGE FROM
11 SECURE CORRECTIONAL FACILITY. (a) The Texas Department of
12 Criminal Justice shall prioritize enrolling a committed person in a
13 sex offender treatment program established by the department.

14 (b) The Texas Department of Criminal Justice and the office
15 shall adopt a memorandum of understanding that establishes their
16 respective responsibilities to institute a continuity of care for
17 committed persons enrolled in a sex offender treatment program
18 established by the department.

19 SECTION 13. Section 841.083, Health and Safety Code, is
20 amended to read as follows:

21 Sec. 841.083. TREATMENT; SUPERVISION. (a) The office
22 shall determine the conditions of supervision and treatment of a
23 committed person [~~approve and contract for the provision of a~~
24 ~~treatment plan for the committed person to be developed by the~~
25 ~~treatment provider. A treatment plan may include the monitoring of~~
26 ~~the person with a polygraph or plethysmograph. The treatment~~
27 ~~provider may receive annual compensation in an amount not to exceed~~

1 ~~\$10,000 for providing the required treatment].~~

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

6 (c) The office shall enter into appropriate memoranda of
7 understanding with the Texas Department of Criminal Justice
8 ~~[Department of Public Safety]~~ for the provision of a tracking
9 service and with the Department of Public Safety and local law
10 enforcement authorities for assistance in the preparation of
11 criminal complaints, warrants, and related documents and in the
12 apprehension and arrest of a person.

13 (d) The office shall enter into appropriate contracts
14 ~~[memoranda of understanding]~~ for any necessary supervised housing
15 and other services, including medical and mental health services
16 and sex offender treatment. ~~[The office shall reimburse the~~
17 ~~applicable provider for housing costs under this section.]~~

18 (e) The case manager shall:

19 (1) coordinate the ~~[outpatient]~~ treatment and
20 supervision required by this chapter, including performing a
21 periodic assessment of the success of that treatment and
22 supervision; and

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

26 ~~[-3-]~~ provide a report to the office, semiannually or
27 more frequently as necessary, which must include~~+~~

1 ~~[(A)]~~ any known change in the person's status
2 that affects proper treatment and supervision~~[, and~~
3 ~~[(B) any recommendations made to the judge]~~.

4 SECTION 14. Subchapter E, Chapter 841, Health and Safety
5 Code, is amended by adding Sections 841.0831, 841.0832, 841.0833,
6 841.0834, and 841.0835 to read as follows:

7 Sec. 841.0831. TIERED PROGRAM. (a) The office shall
8 develop a tiered program for the supervision and treatment of a
9 committed person.

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

15 Sec. 841.0832. HOUSING FACILITIES. (a) The office shall
16 operate, or contract with a vendor to operate, one or more
17 facilities to house committed persons.

18 (b) The office shall designate a facility under Subsection
19 (a) to serve as an intake and orientation facility for committed
20 persons on sentence discharge or discharge from a state hospital.

21 Sec. 841.0833. SECURITY AND MONITORING. The office shall
22 develop procedures for the security and monitoring of committed
23 persons in each programming tier.

24 Sec. 841.0834. MOVEMENT BETWEEN PROGRAMMING TIERS. (a)
25 The office shall transfer a committed person to less restrictive
26 housing and supervision if the transfer is in the best interests of
27 the person and conditions can be imposed that adequately protect

1 the community.

2 (b) Without the office's approval, a committed person may
3 file a petition with the court for transfer to less restrictive
4 housing and supervision. The court shall grant the transfer if the
5 court determines by clear and convincing evidence that the transfer
6 is in the best interests of the person and conditions can be imposed
7 that adequately protect the community.

8 (c) The office shall return a committed person who has been
9 transferred to less restrictive housing and supervision to a more
10 restrictive setting if the office considers the transfer necessary
11 to further treatment and to protect the community. The decision to
12 transfer the person must be based on the person's behavior or
13 progress in treatment.

14 (d) A committed person returned to a more restrictive
15 setting under Subsection (c) is entitled to file a petition with the
16 court seeking review of the office's determination. The court shall
17 order the office to transfer the person to less restrictive housing
18 and supervision only if the court determines that the office's
19 determination was arbitrary, irrational, or not made in accordance
20 with Subsection (c).

21 Sec. 841.0835. COMMITTED PERSONS WITH SPECIAL NEEDS. The
22 Health and Human Services Commission shall coordinate with the
23 office to provide psychiatric services, disability services, and
24 housing for a committed person with an intellectual or
25 developmental disability, a mental illness, or a physical
26 disability that prevents the person from effectively participating
27 in the sex offender treatment program administered by the office.

1 SECTION 15. Section [841.084](#), Health and Safety Code, is
2 amended to read as follows:

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

6 (1) is responsible for the cost of:

7 (A) housing and treatment provided under this
8 chapter; and

9 (B) the tracking service required by Section
10 [841.082](#); and

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

16 (b) Money collected under this section shall be deposited to
17 the credit of the account from which the costs were originally paid.

18 SECTION 16. Section [841.085](#)(a), Health and Safety Code, is
19 amended to read as follows:

20 (a) A person commits an offense if, after having been
21 adjudicated and civilly committed as a sexually violent predator
22 under this chapter, the person violates a civil commitment
23 requirement imposed under Section [841.082](#)(a)(1), (2), (4), or (5)
24 pursuant to a civil commitment order that is not subject to appeal
25 at the time of the offense [~~841.082~~].

26 SECTION 17. Section [841.101](#)(b), Health and Safety Code, is
27 amended to read as follows:

1 (b) In preparation for a judicial review conducted under
2 Section 841.102, the office [~~case manager~~] shall provide a report
3 of the biennial examination to the judge. The report must include
4 consideration of whether to modify a requirement imposed on the
5 person under this chapter and whether to release the person from all
6 requirements imposed on the person under this chapter. [~~The case
7 manager shall provide a copy of the report to the office.~~]

8 SECTION 18. Section 841.102(a), Health and Safety Code, is
9 amended to read as follows:

10 (a) Not later than the 60th day after the date of receipt of
11 the report submitted under Section 841.101, the [~~The~~] judge shall
12 conduct a biennial review of the status of the committed person and
13 issue an order concluding the review or setting a hearing under
14 Subsection (c).

15 SECTION 19. Subchapter F, Chapter 841, Health and Safety
16 Code, is amended by adding Section 841.104 to read as follows:

17 Sec. 841.104. INTERLOCUTORY APPEAL. An order denying a
18 hearing under Section 841.102(c) or a release from civil commitment
19 after a hearing under that subsection is subject to interlocutory
20 appeal to an appropriate appellate court.

21 SECTION 20. Section 841.121(a), Health and Safety Code, is
22 amended to read as follows:

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

1 SECTION 21. Section [841.122](#), Health and Safety Code, is
2 amended to read as follows:

3 Sec. 841.122. RIGHT TO FILE UNAUTHORIZED PETITION FOR
4 RELEASE. On a person's commitment and annually after that
5 commitment, the office [~~case manager~~] shall provide the person with
6 written notice of the person's right to file with the court and
7 without the office's [~~case manager's~~] authorization a petition for
8 release.

9 SECTION 22. Sections [841.123](#)(a), (b), and (c), Health and
10 Safety Code, are amended to read as follows:

11 (a) If the committed person files a petition for release
12 without the office's [~~case manager's~~] authorization, the person
13 shall serve the petition on the court and the attorney representing
14 the state.

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

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

24 (1) the petitioner previously filed without the
25 office's [~~case manager's~~] authorization another petition for
26 release; and

27 (2) the judge determined on review of the previous

1 petition or following a hearing that:

2 (A) the petition was frivolous; or

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

6 SECTION 23. Section 841.124(a), Health and Safety Code, is
7 amended to read as follows:

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

13 SECTION 24. Subchapter G, Chapter 841, Health and Safety
14 Code, is amended by adding Section 841.125 to read as follows:

15 Sec. 841.125. INTERLOCUTORY APPEAL. An order denying an
16 authorized or unauthorized petition for release under this
17 subchapter or denying a release from civil commitment after a
18 hearing under Section 841.124 is subject to interlocutory appeal to
19 an appropriate appellate court.

20 SECTION 25. Section 841.141(b), Health and Safety Code, is
21 amended to read as follows:

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

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

25 (2) determine the conditions of supervision and
26 treatment of a committed person; and

27 (3) develop and implement the tiered program described

1 by Section 841.0831, including rules regarding a committed person's
2 transition between programming tiers.

3 SECTION 26. Section 841.142(b), Health and Safety Code, is
4 amended to read as follows:

5 (b) To protect the public and to enable the provision of
6 supervision and treatment to a person who is a sexually violent
7 predator, any entity that possesses relevant information relating
8 to the person shall release the information to the office [~~case~~
9 ~~manager~~].

10 SECTION 27. Section 841.146(c), Health and Safety Code, is
11 amended to read as follows:

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

19 SECTION 28. Section 841.150, Health and Safety Code, is
20 amended to read as follows:

21 Sec. 841.150. EFFECT OF SUBSEQUENT DETENTION, CONFINEMENT,
22 OR COMMITMENT [~~OR CONFINEMENT~~] ON ORDER OF CIVIL COMMITMENT. (a)
23 The duties imposed by this chapter are suspended for the duration of
24 a detention or [~~any~~] confinement of a committed person in a
25 correctional facility, secure correctional facility, or secure
26 detention facility, or if applicable any other commitment of the
27 [~~a~~] person to a community center, mental health facility, or state

1 supported living center [~~school~~], by governmental action.

2 (b) In this section:

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

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

7 (3) "Mental health facility" has the meaning assigned
8 by Section 571.003.

9 (4) "Secure correctional facility" and "secure
10 detention facility" have the meanings assigned by Section 51.02,
11 Family Code.

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

14 SECTION 29. Sections 841.151(b) and (c), Health and Safety
15 Code, are amended to read as follows:

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

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

22 (2) a law of this state.

23 (c) Not later than the day preceding the date a correctional
24 facility, secure correctional facility, or secure detention
25 facility releases a person who, at the time of the person's
26 detention or confinement, was civilly committed under this chapter
27 as a sexually violent predator, the facility shall notify the

1 office and the person's case manager in writing of the anticipated
2 date and time of the person's release.

3 SECTION 30. Section 51.014(a), Civil Practice and Remedies
4 Code, as amended by Chapters 44 (H.B. 200) and 1042 (H.B. 2935),
5 Acts of the 83rd Legislature, Regular Session, 2013, is reenacted
6 and amended to read as follows:

7 (a) A person may appeal from an interlocutory order of a
8 district court, county court at law, statutory probate court, or
9 county court that:

10 (1) appoints a receiver or trustee;

11 (2) overrules a motion to vacate an order that
12 appoints a receiver or trustee;

13 (3) certifies or refuses to certify a class in a suit
14 brought under Rule 42 of the Texas Rules of Civil Procedure;

15 (4) grants or refuses a temporary injunction or grants
16 or overrules a motion to dissolve a temporary injunction as
17 provided by Chapter 65;

18 (5) denies a motion for summary judgment that is based
19 on an assertion of immunity by an individual who is an officer or
20 employee of the state or a political subdivision of the state;

21 (6) denies a motion for summary judgment that is based
22 in whole or in part upon a claim against or defense by a member of
23 the electronic or print media, acting in such capacity, or a person
24 whose communication appears in or is published by the electronic or
25 print media, arising under the free speech or free press clause of
26 the First Amendment to the United States Constitution, or Article
27 I, Section 8, of the Texas Constitution, or Chapter 73;

1 (7) grants or denies the special appearance of a
2 defendant under Rule 120a, Texas Rules of Civil Procedure, except
3 in a suit brought under the Family Code;

4 (8) grants or denies a plea to the jurisdiction by a
5 governmental unit as that term is defined in Section 101.001;

6 (9) denies all or part of the relief sought by a motion
7 under Section 74.351(b), except that an appeal may not be taken from
8 an order granting an extension under Section 74.351;

9 (10) grants relief sought by a motion under Section
10 74.351(1);

11 (11) denies a motion to dismiss filed under Section
12 90.007; ~~[or]~~

13 (12) denies a motion to dismiss filed under Section
14 27.003;

15 (13) ~~[(12)]~~ denies a motion for summary judgment filed
16 by an electric utility regarding liability in a suit subject to
17 Section 75.0022; or

18 (14) denies a hearing, petition, or release from civil
19 commitment under Subchapter F or G, Chapter 841, Health and Safety
20 Code.

21 SECTION 31. Section 51.014(b), Civil Practice and Remedies
22 Code, as amended by Chapters 916 (H.B. 1366) and 1042 (H.B. 2935),
23 Acts of the 83rd Legislature, Regular Session, 2013, is reenacted
24 and amended to read as follows:

25 (b) An interlocutory appeal under Subsection (a), other
26 than an appeal under Subsection (a)(4) or in a suit brought under
27 the Family Code, stays the commencement of a trial in the trial

1 court pending resolution of the appeal. An interlocutory appeal
2 under Subsection (a)(3), (5), (8), ~~or~~ (12), or (14) also stays all
3 other proceedings in the trial court pending resolution of that
4 appeal.

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

7 Art. 13.315. FAILURE TO COMPLY WITH SEXUALLY VIOLENT
8 PREDATOR CIVIL COMMITMENT REQUIREMENT. An offense under Section
9 841.085, Health and Safety Code, may be prosecuted in the county in
10 which any element of the offense occurs or in the court that retains
11 jurisdiction over the civil commitment proceeding under Section
12 841.082, Health and Safety Code ~~[Montgomery County]~~.

13 SECTION 33. Section 411.1389, Government Code, is amended
14 to read as follows:

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

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

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

1 who is the subject of the information.

2 (c) The Texas Civil Commitment Office [~~of Violent Sex~~
3 ~~Offender Management~~] shall destroy criminal history record
4 information obtained under Subsection (a) as soon as practicable
5 after the date on which, as applicable:

6 (1) the person's employment or contract with the
7 office terminates; or

8 (2) the office decides not to employ or contract with
9 the person.

10 SECTION 34. The heading to Chapter 420A, Government Code,
11 is amended to read as follows:

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

14 SECTION 35. Section 420A.001, Government Code, is amended
15 to read as follows:

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

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

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

21 SECTION 36. Sections 420A.002(a), (b), and (c), Government
22 Code, are amended to read as follows:

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

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

27 (1) one member experienced in the management of sex

1 offenders;

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

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

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

10 SECTION 37. Section 420A.004, Government Code, is amended
11 to read as follows:

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

17 SECTION 38. Section 24.579(b), Government Code, is
18 repealed.

19 SECTION 39. The changes in law made by this Act to Chapter
20 841, 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 SECTION 40. The change in law made by this Act in amending
25 Section 841.085, Health and Safety Code, applies to an offense
26 committed before, on, or after the effective date of this Act,
27 except that a final conviction for an offense under that section

1 that exists on the effective date of this Act remains unaffected by
2 this Act.

3 SECTION 41. As soon as practicable after the effective date
4 of this Act, the governor shall appoint the additional members to
5 the governing board of the Texas Civil Commitment Office, as
6 required by Section 420A.002, Government Code, as amended by this
7 Act. In making those appointments, the governor shall appoint one
8 member to a term expiring February 1, 2016, and one member to a term
9 expiring February 1, 2017.

10 SECTION 42. To the extent of any conflict, this Act prevails
11 over another Act of the 84th Legislature, Regular Session, 2015,
12 relating to nonsubstantive additions to and corrections in enacted
13 codes.

14 SECTION 43. This Act takes effect September 1, 2015.