

BILL ANALYSIS

C.S.H.B. 4103
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Informed observers report that recently enacted legislation made changes to the Texas Civil Commitment Office, formerly known as the Office of Violent Sex Offender Management. These observers express a need for additional measures, including measures to enhance the security protocols of the agency. C.S.H.B. 4103 seeks to provide this security by authorizing the use of mechanical or chemical restraints in extreme circumstances, enhancing penalties for assaults on office staff by sexually violent predators, and by prohibiting the introduction of drugs, alcohol, or weapons into certain facilities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4103 amends the Civil Practice and Remedies Code, for purposes of the provision making certain personal identifying information pertaining to an individual who is an employee of any correctional facility or an individual who is related within the first degree by consanguinity or affinity to that individual privileged from discovery by an individual who is imprisoned or confined in any correctional facility, to also make that information privileged from discovery by an individual who is civilly committed as a sexually violent predator under state law. The bill extends the privilege from discovery to an individual who is an officer or employee of the Texas Civil Commitment Office, a person who contracts with the office to perform a service or an employee of that person, and an individual related within the first degree by consanguinity or affinity to those individuals. The bill establishes that personal identifying information that is privileged under these provisions may be discovered by an individual who is civilly committed as a sexually violent predator only if the committed person shows good cause to the court for such discovery and the court renders an order authorizing such discovery.

C.S.H.B. 4103 amends the Code of Criminal Procedure to require a peace officer, on a request made by the Texas Civil Commitment Office, to execute an emergency detention order issued by the office under the bill's provisions. The bill prohibits a magistrate from releasing on personal bond a defendant who at the time of the commission for the charged offense is civilly committed as a sexually violent predator. The bill revises the requirement that an individual civilly committed as a sexually violent predator report with a specified frequency to a local law enforcement authority designated as the person's primary registration authority to verify the

information in the registration form maintained by the authority to require such an individual residing at a civil commitment center to report to the designated authority not less than once each year and to specify that the frequency of reporting for such an individual not residing at a civil commitment center is not less than once in each 30-day period following either the date the person first registered as a sex offender or, if applicable, the date the person moved from a civil commitment center.

C.S.H.B. 4103 requires a person subject to registration under the sex offender registration program who is civilly committed as a sexually violent predator and resides at a civil commitment center to renew the person's driver's license or personal identification certificate issued by the Department of Public Safety (DPS), as prescribed by specified Transportation Code provisions, to registered sex offenders, as applicable. The bill establishes that, on the date that such a person no longer resides at a civil commitment center, the person is required to renew a driver's license or personal identification certificate only as provided by the statutory provisions governing the annual renewal of the license or certificate of a person subject to registration under the sex offender registration program.

C.S.H.B. 4103 amends the Government Code to include the Texas Civil Commitment Office among the noncriminal justice agencies and entities to which a criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure. The bill entitles the office to obtain from DPS criminal history record information maintained by DPS that relates to a person who seeks the office's approval to act as a contact or chaperone for a person who is civilly committed as a sexually violent predator. The bill requires the office to destroy such information as soon as practicable after the date on which the office determines whether the person is suitable as a contact or chaperone for a person who is civilly committed as a sexually violent predator.

C.S.H.B. 4103 revises the length and expiration of the terms served by members of the governing board of the Texas Civil Commitment Office, requires the presiding officer of the board to select a member of the board as an assistant presiding officer, and authorizes the presiding officer to create board committees. The bill changes the agency to which the office is administratively attached from the Department of State Health Services (DSHS) to the Health and Human Services Commission. The bill repeals certain provisions relating to the salary career ladder for Texas Civil Commitment Office case managers as regards classification of case manager positions and annual salary increases for case managers.

C.S.H.B. 4103 excepts from the public availability requirement of state public information law information that relates to the home address, home telephone number, emergency contact information, or social security number of a current or former employee of the Texas Civil Commitment Office or of the predecessor in function of the office or a division of the office, or that reveals whether the person has family members, regardless of whether the current or former employee complies with certain provisions of state public information law authorizing the person to choose to restrict public access to the information and makes applicable to such a person the state public information law provisions relating to the confidentiality of certain personal identifying information of peace officers, county jailers, security officers, employees of certain criminal or juvenile justice agencies or offices, and federal and state judges. The bill includes a member of the governing board or executive head of the office among those persons for whom the Texas Ethics Commission is required to remove the home address, if applicable, from a financial statement filed with the commission before permitting a member of the public to view the financial statement or providing a copy of the statement to a member of the public.

C.S.H.B. 4103 amends the Health and Safety Code, for purposes of the requirement that a civilly committed person submit to appropriate supervision and to tracking under a particular type of tracking service and to refrain from tampering with, altering, modifying, obstructing, or manipulating the tracking equipment, to require that the person also refrain from removing the equipment and to establish that the tracking requirement applies if the person leaves the civil

commitment center for any reason while residing at the center, the person is in one of the two most restrictive tiers of treatment as determined by the office, the person is on disciplinary status as determined by the office, or the person resides in the community. The bill includes a civil commitment proceeding for a sexually violent predator other than a criminal proceeding involving the offense of violating certain civil commitment requirements among the proceedings over which the committing court retains jurisdiction and specifies, for purposes of the provision authorizing the modification of requirements imposed on a civilly committed person that are necessary to ensure the person's compliance with treatment and supervision and to protect the community, that the modifications may be made by the committing court. The bill specifies that the designation of a facility by the Texas Civil Commitment Office to serve as an intake and orientation facility for committed persons on release from a secure correctional facility is a designation of all or part of the facility. The bill makes information regarding security and monitoring procedures developed by the office confidential and exempt from disclosure under state public information law.

C.S.H.B. 4103 requires a civilly committed person who files a petition with the court for transfer to less restrictive housing and supervision or a petition with the court seeking a review of the Texas Civil Commitment Office's determination to return a committed person to a more restrictive setting to serve a copy of the petition on the office. The bill requires a committed person released from housing operated by or under contract with the office to be released to a county designated by the office if the county in which the person was most recently convicted of a sexually violent offense does not provide adequate opportunities for the person's treatment and for the person's housing or other supervision, as determined by the office. The bill authorizes the office to require a committed person released to such a designated county to change the person's residence to the county in which the person was most recently convicted of a sexually violent offense if the office determines that adequate opportunities for the person's treatment and for the person's housing or other supervision become available in that county.

C.S.H.B. 4103 authorizes the Texas Civil Commitment Office, for the purpose of returning a civilly committed person to a more restrictive setting following a transfer to less restrictive housing and supervision or a release, to issue an emergency detention order for the person's immediate apprehension and transportation to a location designated by the office. The bill sets out the conditions under which an employee of the office, or a person who contracts with the office or an employee of that person, may use mechanical or chemical restraints on a committed person residing in a civil commitment center or while transporting a committed person who resides at the center and requires the office to develop procedures governing the use of mechanical or chemical restraints on committed persons. The bill includes among the costs for which a civilly committed person who is not indigent is responsible and required to pay to the office the cost of repairs to or replacement of required tracking equipment if the person intentionally caused the damage to or loss of the equipment, as determined by the office. The bill authorizes the special prosecution unit, on request of the local prosecuting attorney, to assist in the trial of an offense for a person who violates a civil commitment. The bill changes the deadline by which a correctional facility, secure correctional facility, or secure detention facility that releases a person who, at the time of the person's detention or confinement, was civilly committed as a sexually violent predator is required to notify the office and the person's case manager of the anticipated release date and time from a deadline that is not later than the day preceding the date of release to a deadline that is as soon as practicable before but not later than the third business day preceding such release.

C.S.H.B. 4103 requires a court, on motion by the attorney representing the state, to require a civilly committed person to appear via closed-circuit video teleconferencing at a hearing on the modification of civil commitment requirements or a hearing relating to a commitment review or petition for release and requires a recording of the hearing to be made and preserved with the court's record of the hearing. The bill requires the Texas Civil Commitment Office, on the release of a committed person from a correctional facility, secure correctional facility, or secure detention facility, to determine whether the person has a valid driver's license or commercial

driver's license or a valid personal identification certificate and, if the person does not have such a license or certificate, to submit as soon as practicable to DPS on behalf of the person a request for the issuance of a personal identification certificate. The bill requires the office, DPS, and the vital statistics unit of the Department of State Health Services (DSHS) to adopt a memorandum of understanding that establishes their respective responsibilities with respect to the issuance of a personal identification certificate to a committed person, including responsibilities related to verification of the person's identity. The bill requires the memorandum to require DSHS to electronically verify the birth record of a committed person whose name and any other personal information is provided by the office and to electronically report the recorded filing information to DPS to validate the identity of a committed person. The bill requires the office to reimburse DPS or DSHS, as applicable, for the actual costs incurred by those agencies in performing such responsibilities and authorizes the office to charge a civilly committed person for the actual costs incurred or for the fees required. The bill repeals a requirement for the office to adopt certain specified rules relating to the development of standards of care and case management, the determination of conditions of supervision and treatment, and the development and implementation of the tiered program for supervision and treatment.

C.S.H.B. 4103 amends the Penal Code to enhance the penalty for assault in which the actor intentionally, knowingly, or recklessly causes bodily injury to another from a Class A misdemeanor to a third degree felony if the offense is committed while the actor is committed to a civil commitment facility and the offense is committed against the following: an officer or employee of the Texas Civil Commitment Office while the officer or employee is lawfully discharging an official duty at a civil commitment facility or in retaliation for or on account of an exercise of official power or performance of an official duty by the officer or employer; or a person who contracts with the state to perform a service in a civil commitment facility or an employee of that person while the person or employee is engaged in performing a service within the scope of the contract, if the actor knows the person or employee is authorized by the state to provide the service or in retaliation for or on account of the person's or employee's performance of a service within the scope of the contract. The bill expands the conduct that constitutes harassment by persons in certain facilities to include conduct by a person who, with the intent to assault, harass, or alarm and while committed to a civil commitment facility and under those same circumstances triggering the bill's penalty enhancement for assault, causes an applicable officer, person, or employee to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal.

C.S.H.B. 4103 makes certain conduct that constitutes certain offenses regarding taking, providing, possessing, or possessing with the intent to provide certain prohibited substances and items in a correctional facility and the affirmative defenses applicable to such conduct applicable to such conduct in a civil commitment facility. The bill expands the conduct that constitutes the offense of unlawful carrying of a handgun by a handgun license holder to include intentionally, knowingly, or recklessly carrying a handgun on the premises of a civil commitment facility.

C.S.H.B. 4103 amends the Tax Code to include a current or former employee of the Texas Civil Commitment Office or of the predecessor in function of the office or a division of the office among persons to whom statutory provisions relating to the confidentiality of certain home address information in certain tax appraisal records apply.

C.S.H.B. 4103 amends the Transportation Code to set the expiration date of a personal identification certificate or driver's license issued to a person subject to registration under the sex offender registration program who is civilly committed as a sexually violent predator on the sixth anniversary of the date on which the license or certificate was issued. The bill sets the expiration date of a commercial driver's license issued to such a person on the fifth anniversary of the date on which the license was issued. The bill sets a \$5 fee for a personal identification certificate issued to such a person under the bill's provisions requiring the office to submit a request for such issuance on the person's release from an applicable facility if the person does not have a valid driver's license, commercial driver's license, or certificate.

C.S.H.B. 4103 makes its provisions amending statutory provisions relating to the sex offender registration program applicable to any person who, on or after the bill's effective date, is required to register under the program, regardless of whether the offense or conduct for which the person is required to register occurs before, on, or after that date. The bill, if a civil commitment requirement imposed under the Health and Safety Code before the bill's effective date differs from any of the civil commitment requirements under that code as amended by the bill, requires the applicable court with jurisdiction over the committed person, after notice and hearing by submission, to modify the requirement imposed as applicable to conform to the bill's provisions. The bill authorizes the members of the board of the Texas Civil Commitment Office serving on the bill's effective date to draw lots or use another method to determine the members who serve terms that expire as provided by the bill's provisions in 2019, 2021, or 2023, respectively. The members of the board appointed to succeed the members serving on the bill's effective date serve six-year terms.

C.S.H.B. 4103 repeals the following provisions:

- Sections 420A.009(b) and (c), Government Code
- Section 841.141(b), Health and Safety Code

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4103 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. The heading to Section 30.010, Civil Practice and Remedies Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Sections 30.010(a) and (b), Civil Practice and Remedies Code, are amended.	SECTION 2. Same as introduced version.
SECTION 3. Article 2.13, Code of Criminal Procedure, is amended.	SECTION 3. Same as introduced version.
SECTION 4. Article 17.03, Code of Criminal Procedure, is amended.	SECTION 4. Same as introduced version.
SECTION 5. Article 42A.454(a), Code of Criminal Procedure, is amended to read as follows: (a) This article applies only to a defendant who is required to register as a sex offender under Chapter 62, by court order or otherwise, and: (1) is convicted of or receives a grant of	No equivalent provision.

deferred adjudication community supervision for a violation of Section 21.11, 22.011(a)(2), 22.021(a)(1)(B), 33.021, or 43.25, Penal Code;

(2) used the Internet or any other type of electronic device used for Internet access to commit the offense or engage in the conduct for which the person is required to register under Chapter 62; or

(3) is assigned a numeric risk level of three based on an assessment conducted using the sex offender screening tool adopted under Article 62.007.

SECTION 6. Article 62.202, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Notwithstanding Article 62.058, if an individual subject to registration under this chapter is civilly committed as a sexually violent predator, the person shall report to the local law enforcement authority designated as the person's primary registration authority by the department to verify the information in the registration form maintained by the authority for that person as follows:

(1) if the person resides at a civil commitment center, not less than once each year on or after the 30th day before the anniversary of the person's date of birth but before the 31st day after that date; or

(2) if the person does not reside at a civil commitment center, not less than once in each 30-day period following:

(A) the date the person first registered under this chapter; or

(B) if applicable, the date the person moved from the center [to verify the information in the registration form maintained by the authority for that person].

(a-1) For purposes of Subsection (a)(2) [this subsection], a person complies with a requirement that the person register within a 30-day period following a date if the person registers at any time on or after the 27th day following that date but before the 33rd day after that date.

SECTION 7. Subchapter E, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.2021 to read as follows:

Art. 62.2021. REQUIREMENTS RELATING TO DRIVER'S LICENSE OR

SECTION 5. Article 62.202, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Notwithstanding Article 62.058, if an individual subject to registration under this chapter is civilly committed as a sexually violent predator, the person shall report to the local law enforcement authority designated as the person's primary registration authority by the department to verify the information in the registration form maintained by the authority for that person as follows:

(1) if the person resides at a civil commitment center, not less than once each year;

or

(2) if the person does not reside at a civil commitment center, not less than once in each 30-day period following:

(A) the date the person first registered under this chapter; or

(B) if applicable, the date the person moved from the center [to verify the information in the registration form maintained by the authority for that person].

(a-1) For purposes of Subsection (a)(2) [this subsection], a person complies with a requirement that the person register within a 30-day period following a date if the person registers at any time on or after the 27th day following that date but before the 33rd day after that date.

SECTION 6. Subchapter E, Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.2021 to read as follows:

Art. 62.2021. REQUIREMENTS RELATING TO DRIVER'S LICENSE OR

PERSONAL IDENTIFICATION CERTIFICATE FOR INDIVIDUALS SUBJECT TO COMMITMENT. (a)

Notwithstanding Article 62.060(b), a person subject to registration who is civilly committed as a sexually violent predator and resides at a civil commitment center shall renew the person's department-issued driver's license or personal identification certificate as prescribed by Section 521.103, 521.272, or 522.033, Transportation Code, as applicable.

(b) On the date that a person described by Subsection (a) no longer resides at a civil commitment center or has been released by a court from all requirements of the civil commitment process:

(1) the person's duty to renew a driver's license or personal identification certificate is no longer imposed by this article; and

(2) the person is required to renew a driver's license or personal identification certificate as provided by Article 62.060(b).

SECTION 8. Section 411.0765(b), Government Code, is amended.

SECTION 9. Sections 411.1389(a) and (c), Government Code, are amended.

SECTION 10. Section 420A.002(c), Government Code, is amended.

SECTION 11. Section 420A.003, Government Code, is amended.

SECTION 12. Section 420A.011, Government Code, is amended.

SECTION 13. Chapter 420A, Government Code, is amended by adding Section 420A.012 to read as follows:

Sec. 420A.012. RULES. The board may adopt rules as necessary to enable the office to perform the office's duties under this subchapter.

SECTION 14. Section 508.1861(a), Government Code, is amended to read as follows:

(a) This section applies only to a person who, on release, will be required to register as a sex offender under Chapter 62, Code of Criminal Procedure, by court order or

PERSONAL IDENTIFICATION CERTIFICATE: INDIVIDUALS RESIDING AT CIVIL COMMITMENT CENTER. (a) Notwithstanding Article

62.060(b), a person subject to registration who is civilly committed as a sexually violent predator and resides at a civil commitment center shall renew the person's department-issued driver's license or personal identification certificate as prescribed by Section 521.103, 521.272, or 522.033, Transportation Code, as applicable.

(b) On the date that a person described by Subsection (a) no longer resides at a civil commitment center,

the person is required to renew a driver's license or personal identification certificate only as provided by Article 62.060(b).

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

SECTION 9. Same as introduced version.

SECTION 10. Same as introduced version.

SECTION 11. Same as introduced version.

No equivalent provision.

No equivalent provision.

otherwise, and:

(1) is serving a sentence for an offense under Section 21.11, 22.011(a)(2), 22.021(a)(1)(B), 33.021, or 43.25, Penal Code;

(2) used the Internet or any other type of electronic device used for Internet access to commit the offense or engage in the conduct for which the person is required to register under Chapter 62, Code of Criminal Procedure; or

(3) is assigned a numeric risk level of two or three based on an assessment conducted using the sex offender screening tool adopted under Article 62.007, Code of Criminal Procedure.

SECTION 15. Section 552.117(a), Government Code, is amended.

SECTION 16. The heading to Section 552.1175, Government Code, is amended.

SECTION 17. Section 552.1175(a), Government Code, is amended.

SECTION 18. Section 572.032(a-1), Government Code, is amended.

SECTION 19. Section 841.082(a), Health and Safety Code, is amended to read as follows:

(a) Before entering an order directing a person's civil commitment, the judge shall impose on the person requirements necessary to ensure the person's compliance with treatment and supervision and to protect the community. The requirements shall include:

(1) requiring the person to reside where instructed by the office;

(2) prohibiting the person's contact with a victim of the person;

(3) requiring the person's participation in and compliance with the sex offender treatment program provided by the office and compliance with all written requirements imposed by the office;

(4) requiring the person to [:

[~~(A)~~] submit to tracking under a particular type of tracking service and to [~~any~~] other appropriate supervision[;] and to

[~~(B)~~] refrain from tampering with, altering, modifying, obstructing, removing, or

SECTION 12. Same as introduced version.

SECTION 13. Same as introduced version.

SECTION 14. Same as introduced version.

SECTION 15. Same as introduced version.

SECTION 16. Sections 841.082(a), (d), and (e), Health and Safety Code, are amended to read as follows:

(a) Before entering an order directing a person's civil commitment, the judge shall impose on the person requirements necessary to ensure the person's compliance with treatment and supervision and to protect the community. The requirements shall include:

(1) requiring the person to reside where instructed by the office;

(2) prohibiting the person's contact with a victim of the person;

(3) requiring the person's participation in and compliance with the sex offender treatment program provided by the office and compliance with all written requirements imposed by the office;

(4) requiring the person to submit to appropriate supervision and:

(A) submit to tracking under a particular type of tracking service,

manipulating the tracking equipment, if the person:

(A) while residing at a civil commitment center, leaves the center for any reason;

(B) is in one of the two most restrictive tiers of treatment, as determined by the office;

(C) is on disciplinary status, as determined by the office; or

(D) resides in the community; and

(5) prohibiting the person from leaving the state without prior authorization from the office.

SECTION 20. Section 841.0832(b), Health and Safety Code, is amended.

SECTION 21. Section 841.0833, Health and Safety Code, is amended.

SECTION 22. Section 841.0834, Health and Safety Code, is amended.

SECTION 23. Section 841.0836, Health and Safety Code, is amended.

SECTION 24. Subchapter E, Chapter 841, Health and Safety Code, is amended by adding Sections 841.0837 and 841.0838 to read as follows:

Sec. 841.0837. EMERGENCY DETENTION ORDER. (a) In this section, "peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure.

(b) For the purpose of returning a committed person to a more restrictive setting following a transfer to less restrictive housing and supervision under Section

if the person:

(i) while residing at a civil commitment center, leaves the center for any reason;

(ii) is in one of the two most restrictive tiers of treatment, as determined by the office;

(iii) is on disciplinary status, as determined by the office; or

(iv) resides in the community [~~and to any other appropriate supervision~~]; and

(B) if required to submit to tracking under Paragraph (A), refrain from tampering with, altering, modifying, obstructing, removing, or manipulating the tracking equipment; and

(5) prohibiting the person from leaving the state without prior authorization from the office.

(d) The committing court retains jurisdiction of the case with respect to a proceeding conducted under this subchapter, other than a criminal proceeding involving an offense under Section 841.085, or to a civil commitment proceeding conducted under Subchapters F and G.

(e) The requirements imposed under Subsection (a) may be modified by the committing court at any time after notice to each affected party to the proceedings and a hearing.

SECTION 17. Same as introduced version.

SECTION 18. Same as introduced version.

SECTION 19. Same as introduced version.

SECTION 20. Same as introduced version.

SECTION 21. Subchapter E, Chapter 841, Health and Safety Code, is amended by adding Sections 841.0837 and 841.0838 to read as follows:

Sec. 841.0837. EMERGENCY DETENTION ORDER. (a) In this section, "peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure.

(b) For the purpose of returning a committed person to a more restrictive setting following a transfer to less restrictive housing and supervision under Section

841.0834 or a release under Section 841.0836, the office may issue an emergency detention order for the person's immediate apprehension and transportation to a location designated by the office.

Sec. 841.0838. USE OF RESTRAINTS.

(a) An employee of the office, or a person who contracts with the office or an employee of that person, may use mechanical or chemical restraints on a committed person residing in a civil commitment center or while transporting a committed person who resides at the center only if:

(1) the employee or person completes a training program approved by the office on the use of restraints that:

(A) includes instruction on the office's approved restraint techniques and devices and the office's verbal de-escalation policies, procedures, and practices; and

(B) requires the employee or person to demonstrate competency in the use of the restraint techniques and devices; and

(2) the restraint is:

(A) used as a last resort;

(B) necessary to prevent:

(i) imminent physical injury to the committed person or another;

(ii) serious property damage; or

(iii) an escape from the center; and

(C) the least restrictive restraint necessary, used for the minimum duration necessary, to prevent the injury, property damage, or escape.

(b) The office shall develop procedures governing the use of mechanical or chemical restraints on committed persons.

SECTION 25. Section 841.084(a), Health and Safety Code, is amended.

No equivalent provision.

841.0834 or a release under Section 841.0836, the office may issue an emergency detention order for the person's immediate apprehension and transportation to a location designated by the office.

Sec. 841.0838. USE OF RESTRAINTS.

(a) An employee of the office, or a person who contracts with the office or an employee of that person, may use mechanical or chemical restraints on a committed person residing in a civil commitment center or while transporting a committed person who resides at the center only if:

(1) the employee or person completes a training program approved by the office on the use of restraints that:

(A) includes instruction on the office's approved restraint techniques and devices and the office's verbal de-escalation policies, procedures, and practices; and

(B) requires the employee or person to demonstrate competency in the use of the restraint techniques and devices; and

(2) the restraint is:

(A) used as a last resort;

(B) necessary to stop or prevent:

(i) imminent physical injury to the committed person or another;

(ii) threatening behavior by the committed person while the person is using or exhibiting a weapon;

(iii) a disturbance by a group of committed persons; or

(iv) an absconion from the center; and

(C) the least restrictive restraint necessary, used for the minimum duration necessary, to stop or prevent the injury, threatening behavior, disturbance, or absconion.

(b) The office shall develop procedures governing the use of mechanical or chemical restraints on committed persons.

SECTION 22. Same as introduced version.

SECTION 23. Section 841.085, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) On request of the local prosecuting attorney, the special prosecution unit may assist in the trial of an offense under this section.

SECTION 26. Section 841.151(c), Health and Safety Code, is amended.

SECTION 27. Subchapter H, Chapter 841, Health and Safety Code, is amended by adding Sections 841.152, 841.153, and 841.154 to read as follows:

Sec. 841.152. CERTAIN HEARINGS BY CLOSED-CIRCUIT VIDEO TELECONFERENCING PERMITTED. (a) Notwithstanding Section 841.103(c), on motion by the attorney representing the state, the court shall require a committed person to appear via closed-circuit video teleconferencing at a hearing on the modification of civil commitment requirements under Section 841.082 or a hearing under Subchapter F or G.

(b) A recording of a hearing conducted as provided by Subsection (a) shall be made and preserved with the court's record of the hearing.

Sec. 841.153. STATE-ISSUED IDENTIFICATION; NECESSARY DOCUMENTATION. (a) On the release of a committed person from a correctional facility, secure correctional facility, or secure detention facility, as those terms are defined by Section 841.151, the office shall:

(1) determine whether the person has:

(A) a valid license issued under Chapter 521 or 522, Transportation Code; or

(B) a valid personal identification certificate issued under Chapter 521, Transportation Code; and

(2) if the person does not have a valid license or certificate described by Subdivision (1), submit to the Department of Public Safety on behalf of the person a request for the issuance of a personal identification certificate under Chapter 521, Transportation Code.

(b) The office shall submit a request under Subsection (a)(2) as soon as practicable.

(c) The office, the Department of Public Safety, and the vital statistics unit of the Department of State Health Services by rule shall adopt a memorandum of understanding that establishes their respective responsibilities with respect to the issuance of a personal identification certificate to a committed person, including responsibilities related to verification of the person's identity. The memorandum of understanding must require the Department

SECTION 24. Same as introduced version.

SECTION 25. Subchapter H, Chapter 841, Health and Safety Code, is amended by adding Sections 841.152 and 841.153 to read as follows:

Sec. 841.152. CERTAIN HEARINGS BY CLOSED-CIRCUIT VIDEO TELECONFERENCING PERMITTED. (a) Notwithstanding Section 841.103(c), on motion by the attorney representing the state, the court shall require a committed person to appear via closed-circuit video teleconferencing at a hearing on the modification of civil commitment requirements under Section 841.082 or a hearing under Subchapter F or G.

(b) A recording of a hearing conducted as provided by Subsection (a) shall be made and preserved with the court's record of the hearing.

Sec. 841.153. STATE-ISSUED IDENTIFICATION; NECESSARY DOCUMENTATION. (a) On the release of a committed person from a correctional facility, secure correctional facility, or secure detention facility, as those terms are defined by Section 841.151, the office shall:

(1) determine whether the person has:

(A) a valid license issued under Chapter 521 or 522, Transportation Code; or

(B) a valid personal identification certificate issued under Chapter 521, Transportation Code; and

(2) if the person does not have a valid license or certificate described by Subdivision (1), submit to the Department of Public Safety on behalf of the person a request for the issuance of a personal identification certificate under Chapter 521, Transportation Code.

(b) The office shall submit a request under Subsection (a)(2) as soon as practicable.

(c) The office, the Department of Public Safety, and the vital statistics unit of the Department of State Health Services shall adopt a memorandum of understanding that establishes their respective responsibilities with respect to the issuance of a personal identification certificate to a committed person, including responsibilities related to verification of the person's identity. The memorandum of understanding must require the Department

of State Health Services to electronically verify the birth record of a committed person whose name and any other personal information is provided by the office and to electronically report the recorded filing information to the Department of Public Safety to validate the identity of a committed person under this section.

(d) The office shall reimburse the Department of Public Safety or the Department of State Health Services, as applicable, for the actual costs incurred by those agencies in performing responsibilities established under this section. The office may charge a committed person for the actual costs incurred under this section or for the fees required by Section 521.421, Transportation Code.

Sec. 841.154. RISK ASSESSMENT BEFORE RELEASE FROM COMMITMENT. A court that orders a committed person to be released from civil commitment shall:

(1) make a determination of the person's numeric risk level using the sex offender screening tool developed or selected under Article 62.007, Code of Criminal Procedure; and

(2) ensure compliance with the notification and registration requirements of Chapter 62, Code of Criminal Procedure.

SECTION 28. Section 1.07(a), Penal Code, is amended.

SECTION 29. Section 22.01, Penal Code, is amended.

SECTION 30. The heading to Section 22.11, Penal Code, is amended.

SECTION 31. Sections 22.11(a) and (e), Penal Code, are amended.

SECTION 32. The heading to Section 38.11, Penal Code, is amended.

SECTION 33. Sections 38.11(a), (b), (c), (d), (e), and (i), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person provides, or possesses with the intent to provide:

(1) an alcoholic beverage, controlled

of State Health Services to electronically verify the birth record of a committed person whose name and any other personal information is provided by the office and to electronically report the recorded filing information to the Department of Public Safety to validate the identity of a committed person under this section.

(d) The office shall reimburse the Department of Public Safety or the Department of State Health Services, as applicable, for the actual costs incurred by those agencies in performing responsibilities established under this section. The office may charge a committed person for the actual costs incurred under this section or for the fees required by Section 521.421, Transportation Code.

SECTION 26. Same as introduced version.

SECTION 27. Same as introduced version.

SECTION 28. Same as introduced version.

SECTION 29. Same as introduced version.

SECTION 30. Same as introduced version.

SECTION 31. Sections 38.11(a), (b), (c), (d), (e), and (i), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person provides, or possesses with the intent to provide:

(1) an alcoholic beverage, controlled

substance, or dangerous drug to a person in the custody of a correctional facility or civil commitment facility, except on the prescription of a practitioner;

(2) a deadly weapon to a person in the custody of a correctional facility;

(3) a cellular telephone or other wireless communications device or a component of one of those devices to a person in the custody of a correctional facility;

(4) money to a person confined in a correctional facility; or

(5) a cigarette or tobacco product to a person confined in a correctional facility, except that if the facility is a local jail regulated by the Commission on Jail Standards, the person commits an offense only if providing the cigarette or tobacco product violates a rule or regulation adopted by the sheriff or jail administrator that:

(A) prohibits the possession of a cigarette or tobacco product by a person confined in the jail; or

(B) places restrictions on:

(i) the possession of a cigarette or tobacco product by a person confined in the jail; or

(ii) the manner in which a cigarette or tobacco product may be provided to a person confined in the jail.

(b) A person commits an offense if the person takes an alcoholic beverage, controlled substance, or dangerous drug into a correctional facility or civil commitment facility.

(c) A person commits an offense if the person takes a controlled substance or dangerous drug on property owned, used, or controlled by a correctional facility or civil commitment facility.

(d) A person commits an offense if the person:

(1) possesses a controlled substance or dangerous drug while in a correctional facility or civil commitment facility or on property owned, used, or controlled by a correctional facility or civil commitment facility; or

(2) possesses a deadly weapon while in a correctional facility.

(e) It is an affirmative defense to prosecution under Subsection (b), (c), or (d)(1) that the person possessed the alcoholic beverage, controlled substance, or

substance, or dangerous drug to a person in the custody of a correctional facility or civil commitment facility, except on the prescription of a practitioner;

(2) a deadly weapon to a person in the custody of a correctional facility or civil commitment facility;

(3) a cellular telephone or other wireless communications device or a component of one of those devices to a person in the custody of a correctional facility;

(4) money to a person confined in a correctional facility; or

(5) a cigarette or tobacco product to a person confined in a correctional facility, except that if the facility is a local jail regulated by the Commission on Jail Standards, the person commits an offense only if providing the cigarette or tobacco product violates a rule or regulation adopted by the sheriff or jail administrator that:

(A) prohibits the possession of a cigarette or tobacco product by a person confined in the jail; or

(B) places restrictions on:

(i) the possession of a cigarette or tobacco product by a person confined in the jail; or

(ii) the manner in which a cigarette or tobacco product may be provided to a person confined in the jail.

(b) A person commits an offense if the person takes an alcoholic beverage, controlled substance, or dangerous drug into a correctional facility or civil commitment facility.

(c) A person commits an offense if the person takes a controlled substance or dangerous drug on property owned, used, or controlled by a correctional facility or civil commitment facility.

(d) A person commits an offense if the person:

(1) possesses a controlled substance or dangerous drug while in a correctional facility or civil commitment facility or on property owned, used, or controlled by a correctional facility or civil commitment facility; or

(2) possesses a deadly weapon while in a correctional facility or civil commitment facility.

(e) It is an affirmative defense to prosecution under Subsection (b), (c), or (d)(1) that the person possessed the alcoholic beverage, controlled substance, or

dangerous drug pursuant to a prescription issued by a practitioner or while delivering the beverage, substance, or drug to a warehouse, pharmacy, or practitioner on property owned, used, or controlled by the correctional facility or civil commitment facility. It is an affirmative defense to prosecution under Subsection (d)(2) that the person possessing the deadly weapon is a peace officer or is an officer or employee of the correctional facility who is authorized to possess the deadly weapon while on duty or traveling to or from the person's place of assignment.

(i) It is an affirmative defense to prosecution under Subsection (b) that the actor:

- (1) is a duly authorized member of the clergy with rights and privileges granted by an ordaining authority that includes administration of a religious ritual or ceremony requiring the presence or consumption of an alcoholic beverage; and
- (2) takes four ounces or less of an alcoholic beverage into a a [~~the~~] correctional facility and personally consumes all of the alcoholic beverage or departs from the facility with any portion of the beverage not consumed.

SECTION 34. Section 46.035(b), Penal Code, is amended.

SECTION 35. Section 25.025(a), Tax Code, is amended.

SECTION 36. Section 521.101(h), Transportation Code, is amended.

SECTION 37. Section 521.103, Transportation Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) Except as otherwise provided by this section, a [A] personal identification certificate issued under this section, including a renewal, duplicate, or corrected certificate, expires on the first birthday of the certificate holder occurring after the date of application.

(b-1) The [~~except that the~~] initial personal identification certificate issued under this section expires on the second birthday of the certificate holder occurring after the date of application.

dangerous drug pursuant to a prescription issued by a practitioner or while delivering the beverage, substance, or drug to a warehouse, pharmacy, or practitioner on property owned, used, or controlled by the correctional facility or civil commitment facility. It is an affirmative defense to prosecution under Subsection (d)(2) that the person possessing the deadly weapon is a peace officer or is an officer or employee of the correctional facility or civil commitment facility who is authorized to possess the deadly weapon while on duty or traveling to or from the person's place of assignment.

(i) It is an affirmative defense to prosecution under Subsection (b) that the actor:

- (1) is a duly authorized member of the clergy with rights and privileges granted by an ordaining authority that includes administration of a religious ritual or ceremony requiring the presence or consumption of an alcoholic beverage; and
- (2) takes four ounces or less of an alcoholic beverage into a a [~~the~~] correctional facility and personally consumes all of the alcoholic beverage or departs from the facility with any portion of the beverage not consumed.

SECTION 32. Same as introduced version.

SECTION 33. Same as introduced version.

SECTION 34. Same as introduced version.

SECTION 35. Section 521.103(b), Transportation Code, is amended to read as follows:

(b) A personal identification certificate issued under this section, including a renewal, duplicate, or corrected certificate, expires on the first birthday of the certificate holder occurring after the date of application, except that:

- (1) the initial certificate issued under this section expires on the second birthday of the certificate holder occurring after the date of application, subject to Subdivision (2); and

(b-2) A personal identification certificate issued under this section to a person described by Article 62.2021, Code of Criminal Procedure, expires on the seventh birthday of the certificate holder occurring after the date of application.

SECTION 38. Section 521.272(c), Transportation Code, is amended to read as follows:

(c) Notwithstanding Sections 521.271 and 521.2711, a driver's license issued under this section, including a renewal, duplicate, or corrected license, expires:

(1) if the license holder is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, on the first birthday of the license holder occurring after the date of application, except that:

(A) the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or

(B) a license issued under this section to a person described by Article 62.2021, Code of Criminal Procedure, expires on the seventh birthday of the license holder occurring after the date of application; or

(2) if the applicant is not described by Subdivision (1), on the earlier of:

(A) the expiration date of the applicant's authorized stay in the United States; or

(B) as applicable:

(i) the first birthday of the license holder occurring after the date of application;

(ii) if the license holder holds an initial license issued under this section, [~~except that the initial license issued under this section expires on~~] the second birthday of the license holder occurring after the date of application; or

(iii) if the license holder is a person described by Article 62.2021, Code of Criminal Procedure, the seventh birthday of the license holder occurring after the date of application.

SECTION 39. Section 521.348(a), Transportation Code, is amended.

SECTION 40. Section 521.421(a-1), Transportation Code, is amended.

(2) a certificate issued under this section to a person described by Article 62.2021, Code of Criminal Procedure, expires on the sixth anniversary of the date on which the certificate was issued.

SECTION 36. Section 521.272(c), Transportation Code, is amended to read as follows:

(c) Notwithstanding Sections 521.271 and 521.2711, a driver's license issued under this section, including a renewal, duplicate, or corrected license, expires:

(1) if the license holder is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, on the first birthday of the license holder occurring after the date of application, except that:

(A) the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application, ~~subject to Paragraph (B); and~~ ~~or~~

(B) a license issued under this section to a person described by Article 62.2021, Code of Criminal Procedure, expires on the sixth anniversary of the date on which the license was issued; or

(2) if the applicant is not described by Subdivision (1), on the earlier of:

(A) the expiration date of the applicant's authorized stay in the United States; or

(B) as applicable:

(i) the first birthday of the license holder occurring after the date of application;

(ii) if the license holder holds an initial license issued under this section, [~~except that the initial license issued under this section expires on~~] the second birthday of the license holder occurring after the date of application; or

(iii) if the license holder is a person described by Article 62.2021, Code of Criminal Procedure, the sixth anniversary of the date on which the license was issued.

SECTION 37. Same as introduced version.

SECTION 38. Same as introduced version.

SECTION 41. Section 522.033(b), Transportation Code, is amended to read as follows:

(b) Notwithstanding Sections 522.013 and 522.051, a commercial driver's license issued under this section, including a renewal, duplicate, or corrected license, expires on the first birthday of the license holder occurring after the date of application, except that:

(1) the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or

(2) a license issued under this section to a person described by Article 62.2021, Code of Criminal Procedure, expires on the seventh birthday of the license holder occurring after the date of expiration.

SECTION 42.

Sections 420A.009(b) and (c), Government Code, are repealed.

SECTION 43. Article 17.03, Code of Criminal Procedure, as amended by this Act, applies only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of this Act is governed by the law in effect when the personal bond was executed, and the former law is continued in effect for that purpose.

SECTION 44. Chapter 62, Code of Criminal Procedure, as amended by this Act, applies to any person who, on or after the effective date of this Act, is required to register under that chapter, regardless of whether the offense or conduct for which the person is required to register occurs before, on, or after the effective date of this Act.

SECTION 45. Sections 552.117(a) and 552.1175(a), Government Code, and Section 25.025(a), Tax Code, as amended by this Act, apply only to a request for information that is received by a governmental body or an officer for public information on or after the effective date of this Act. A request for information that was received before the

SECTION 39. Section 522.033(b), Transportation Code, is amended to read as follows:

(b) Notwithstanding Sections 522.013 and 522.051, a commercial driver's license issued under this section, including a renewal, duplicate, or corrected license, expires on the first birthday of the license holder occurring after the date of application, except that:

(1) the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application, subject to Subdivision (2); and

(2) a license issued under this section to a person described by Article 62.2021, Code of Criminal Procedure, expires on the fifth anniversary of the date on which the license was issued.

SECTION 40. The following provisions are repealed:

(1) Sections 420A.009(b) and (c), Government Code; and

(2) Section 841.141(b), Health and Safety Code.

SECTION 41. Same as introduced version.

SECTION 42. Same as introduced version.

SECTION 43. Same as introduced version.

effective date of this Act is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

SECTION 46. If a civil commitment requirement imposed under Chapter 841, Health and Safety Code, before the effective date of this Act differs from any of the civil commitment requirements listed in Section 841.082, Health and Safety Code, as amended by this Act, the applicable court with jurisdiction over the committed person shall, after notice and hearing, modify the requirement imposed as applicable to conform to that section.

SECTION 47. Section 841.0834(e), Health and Safety Code, as added by this Act, applies only to a petition filed on or after the effective date of this Act. A petition filed before the effective date of this Act is governed by the law in effect when the petition was filed, and the former law is continued in effect for that purpose.

SECTION 48. Sections 22.01, 22.11, 38.11, and 46.035, Penal Code, as amended by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 49. The members of the board of the Texas Civil Commitment Office serving on the effective date of this Act may draw lots or use another method to determine the members who shall serve terms that expire as provided by Section 420A.002(c), Government Code, as amended by this Act, in 2019, 2021, or 2023, respectively. The members of the board appointed to succeed the members serving on the effective date of this Act shall serve six-year terms.

SECTION 50. This Act takes effect September 1, 2017.

SECTION 44. If a civil commitment requirement imposed under Chapter 841, Health and Safety Code, before the effective date of this Act differs from any of the civil commitment requirements listed in Section 841.082, Health and Safety Code, as amended by this Act, the applicable court with jurisdiction over the committed person shall, after notice and hearing **by submission**, modify the requirement imposed as applicable to conform to that section.

SECTION 45. Same as introduced version.

SECTION 46. Same as introduced version.

SECTION 47. Same as introduced version.

SECTION 48. Same as introduced version.