

## **BILL ANALYSIS**

Senate Research Center

S.B. 1576  
By: Perry  
Criminal Justice  
5/30/2017  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In the 84th Legislature, Regular Session, 2015, S.B. 746 made changes to the Texas Civil Commitment Office (TCCO), formerly known as the Office of Violent Sex Offender Management (OVSOM).

TCCO receives administrative support from the Texas Health and Human Services Commission (HHSC).

S.B. 1576 works to enhance security at the Texas Civil Commitment Center (TCCC) by prohibiting the introduction of drugs, alcohol, or weapons into the facility, authorizing the usage of mechanical or chemical restraints in extreme circumstances, and enhancing penalties for assaults on TCCO staff by sexually violent predators (SVPs). Additionally, S.B. 1576 cleans up some language regarding sex offender registration and identification cards for SVPs in TCCC and changes TCCO's administrative attachment to HHSC. (Original Author's / Sponsor's Statement of Intent)

S.B. 1576 amends current law relating to the civil commitment of sexually violent predators, the operation of the Texas Civil Commitment Office, and certain related offenses and increases a criminal penalty.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Civil Commitment Office (TCCO), the Texas Department of Public Safety, and the vital statistics unit of the Department of State Health Services in SECTION 25 (Section 841.153, Health and Safety Code) of this bill.

Rulemaking authority previously granted to TCCO is rescinded in SECTION 40 (Section 841.141, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Section 30.010, Civil Practice and Remedies Code, to read as follows:

Sec. 30.010. PERSONAL IDENTIFYING INFORMATION PRIVILEGED FROM DISCOVERY BY INMATE OR COMMITTED PERSON.

SECTION 2. Amends Sections 30.010(a) and (b), Civil Practice and Remedies Code, as follows:

(a) Provides that certain personal identifying information pertaining to an individual is privileged from discovery by an individual who is imprisoned or confined in any correctional facility or civilly committed as a sexually violent predator (SVP) under Chapter 841 (Civil Commitment of Sexually Violent Predators), Health and Safety Code, if the individual to whom the information pertains is:

(1) makes a nonsubstantive change;

(2) an officer or employee of the Texas Civil Commitment Office (TCCO) or a person who contracts with TCCO to perform a service or an employee of that person; or

(3) creates this subdivision from existing text and provides that identifying information is privileged from discovery if the information pertains to an individual related within the first degree by consanguinity or affinity to an individual described by Subdivision (1) or (2), rather than to an individual who is an employee of any correctional facility.

(b) Makes conforming and nonsubstantive changes.

SECTION 3. Amends Article 2.13, Code of Criminal Procedure, by adding Subsection (d), to require a peace officer, on a request made by TCCO, to execute an emergency detention order issued by TCCO under Section 841.0837, Health and Safety Code.

SECTION 4. Amends Article 17.03, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (b-1), as follows:

(a) Authorizes a magistrate to, except as provided by Subsection (b) or (b-1), rather than as provided by Subsection (b), in the magistrate's discretion, release the defendant on personal bond without sureties or other security. Makes nonsubstantive changes.

(b-1) Prohibits a magistrate from releasing on personal bond a defendant who, at the time of the commission of the charged offense, is civilly committed as an SVP under Chapter 841, Health and Safety Code.

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

(a) Requires the person, notwithstanding Article 62.058 (Law Enforcement Verification of Registration Information), if an individual subject to registration under this chapter (Sex Offender Registration Program) is civilly committed as an SVP, to report to the local law enforcement authority designated as the person's primary registration authority by the Texas Department of Public Safety (DPS) to verify the information in the registration form maintained by the authority for that person as follows:

(1) if the person resides at a Texas Civil Commitment Center (TCCC), not less than once each year; or

(2) creates this subdivision from existing text. Provides that, if the person does not reside at a TCCC, the person is required to report to the person's primary registration authority not less than once in each 30-day period following the date the person first registered under this chapter or, if applicable, the date the person moved from the TCCC. Makes a conforming change.

(a-1) Creates this subsection from existing text. Provides that the provisions of this subsection are for purposes of Subsection (a)(2), rather than this subsection.

SECTION 6. Amends Subchapter E, Chapter 62, Code of Criminal Procedure, by adding Article 62.2021, as follows:

Art. 62.2021. REQUIREMENTS RELATING TO DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE: INDIVIDUALS RESIDING AT CIVIL COMMITMENT CENTER. (a) Requires a person subject to registration who is civilly committed as an SVP and resides at a TCCC, notwithstanding Article 62.060(b) (relating to requiring persons subject to sex offender registration under this chapter to annually renew in person each driver's license or certain other personal identification) to renew the person's DPS-issued driver's license or personal identification certificate as prescribed by Section 521.103 (Expiration and Renewal Requirements for Certain Sex

Offenders), 521.272 (Renewal of License Issued to Certain Sex Offenders), or 522.033 (Commercial Driver's License Issued to Certain Sex Offenders), Transportation Code, as applicable.

(b) Provides that, on the date that a person described by Subsection (a) no longer resides at a TCCC, the person is required to renew a driver's license or personal identification certificate only as provided by Article 62.060(b).

SECTION 7. Amends Section 411.0765(b), Government Code, as follows:

(b) Authorizes a criminal justice agency to disclose criminal history record information that is the subject of an order of nondisclosure of criminal history record information under this subchapter (Order of Nondisclosure of Criminal History Record Information) to the following noncriminal justice agencies or entities only:

(1) through (29) makes no changes to these subdivisions;

(30) TCCO;

(31) creates this subdivision from existing text and makes no further changes to this subdivision;

(32) redesignates existing Subdivision (31) as Subdivision (32) and makes no further changes to this subdivision.

SECTION 8. Amends Sections 411.1389(a) and (c), Government Code, as follows:

(a) Provides that TCCO is entitled to obtain from DPS criminal history record information that is maintained by DPS and that relates to a person who:

(1) creates this subdivision from existing text and makes no further changes to this subdivision:

(A) redesignates existing Subdivision (1) as Paragraph (A) and makes no further changes to this paragraph; or

(B) redesignates existing Subdivision (2) as Paragraph (B) and makes a nonsubstantive change;

(2) seeks TCCO's approval to act as a contact or chaperone for a person who is civilly committed as an SVP under Chapter 841, Health and Safety Code.

(c) Requires TCCO to destroy criminal history record information obtained under Subsection (a) as soon as practicable after the date on which, as applicable:

(1) and (2) makes nonsubstantive changes; or

(3) TCCO determines whether the person is suitable as a contact or chaperone for a person who is civilly committed as an SVP under Chapter 841, Health and Safety Code.

SECTION 9. Amends Section 420A.002(c), Government Code, as follows:

(c) Provides that members of the governing board of TCCO (board) serve staggered six-year terms, rather than two-year terms, with the terms of one or two members expiring on February 1 of each odd-numbered year. Deletes existing text providing that three members' terms expire February 1 of each even-numbered year and two members' terms expire February 1 of each odd-numbered year.

SECTION 10. Amends Section 420A.003, Government Code, by adding Subsection (a-1), to require the presiding officer to select a member of the board as an assistant presiding officer and authorizes the presiding officer to create board committees.

SECTION 11. Amends Section 420A.011, Government Code, as follows:

Sec. 420A.011. ADMINISTRATIVE ATTACHMENT; SUPPORT. (a) Provides that TCCO is administratively attached to the Texas Health and Human Services Commission (HHSC), rather than the Department of State Health Services (DSHS).

(b) Requires HHSC, rather than DSHS, to provide certain administrative support services to TCCO as necessary to carry out the purposes of the chapter (Texas Civil Commitment Office).

(c) Requires TCCO to prepare, approve, and submit a legislative appropriations request that is separate from the legislative appropriations request for HHSC, rather than DSHS, and is used to develop TCCO's budget structure. Makes a conforming change.

SECTION 12. Amends Section 552.117(a), Government Code, as follows:

(a) Provides that certain information is excepted from the requirements of Section 522.021 (Availability of Public Information) if it reveals that a person or the person's family members are, among certain other designations, a current or former employee of TCCO or of the predecessor in function of TCCO or a division of TCCO, regardless of whether the current or former employee complies with Section 522.024 (Electing to Disclose Address and Telephone Number) or 552.1175.

SECTION 13. Amends the heading to Section 552.1175, Government Code, to read as follows:

Sec. 552.1175. CONFIDENTIALITY OF CERTAIN PERSONAL IDENTIFYING INFORMATION OF PEACE OFFICERS, COUNTY JAILERS, SECURITY OFFICERS, EMPLOYEES OF CERTAIN STATE AGENCIES OR CERTAIN CRIMINAL OR JUVENILE JUSTICE AGENCIES OR OFFICES, AND FEDERAL AND STATE JUDGES.

SECTION 14. Amends Section 552.1175(a), Government Code, to include current or former employees of TCCO or of the predecessor in function of TCCO or a division of TCCO in the list of certain persons to whom this section applies.

SECTION 15. Amends Section 572.032(a-1), Government Code, as follows:

(a-1) Requires the Texas Ethics Commission (TEC), before permitting a member of the public to view a financial statement filed under this subchapter (Personal Financial Statement) or providing a copy of the statement to a member of the public, to remove from the financial statement, if applicable, the home address of a judge or justice or a member of the board or executive head of TCCO. Deletes existing text requiring TEC to remove the home address of a judge or justice from a financial statement filed under this subchapter before permitting a member of the public to view the statement or providing a copy of the statement to a member of the public.

SECTION 16. Amends Sections 841.082(a), (d), and (e), Health and Safety Code, as follows:

(a) Requires that the requirements necessary to ensure a person's compliance with treatment and supervision and to protect the community include:

(1) through (3) makes no changes to these subdivisions;

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

(A) submit to tracking under a particular type of tracking service, if the person:

(i) while residing at a TCCC, leaves the TCCC for any reason;

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

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

(iv) resides in the community, rather than requiring the person to submit to tracking under a particular type of tracking service 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) makes no changes to this subdivision.

(d) Provides that the committing court retains jurisdiction of the case with respect to a proceeding conducted under this subchapter (Civil Commitment), other than a criminal proceeding involving an offense under Section 841.085 (Criminal Penalty; Prosecution of Offense), or to a civil commitment proceeding conducted under Subchapters F (Commitment Review) and G (Petition for Release).

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

SECTION 17. Amends Section 841.0832(b), Health and Safety Code, to require TCCO to designate all or part of a facility under Subsection (a) (relating to requiring TCCO to operate facilities for the housing of committed persons) to serve as an intake and orientation facility for committed persons on release from a secure correctional facility.

SECTION 18. Amends Section 841.0833, Health and Safety Code, as follows:

Sec. 841.0833. New heading: SECURITY AND MONITORING; CONFIDENTIALITY.

(a) Creates this subsection from existing text and makes no further changes to this subsection.

(b) Provides that information regarding the security and monitoring procedures developed under Subsection (a) (relating to requiring TCCO to develop procedures for the security and monitoring of certain committed persons) is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code.

SECTION 19. Amends Section 841.0834, Health and Safety Code, by adding Subsection (e), to require a committed person who files a petition under this section (Movement Between Programming Tiers) to serve a copy of the petition on TCCO.

SECTION 20. Amends Section 841.0836, Health and Safety Code, as follows:

Sec. 841.0836. RELEASE FROM HOUSING. (a) Creates this subsection from existing text. Requires a committed person released from housing operated by or under contract with TCCO to be released to:

(1) creates this subdivision from existing text and makes a nonsubstantive change; or

(2) if the county described by Subdivision (1) (relating to 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 TCCO, a county designated by TCCO.

(b) Authorizes TCCO to require a committed person released to a county under Subsection (a)(2) to change the person's residence to the county described by Subsection (a)(1) if TCCO determines that adequate opportunities for the person's treatment and for the person's housing or other supervision become available in that county.

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

Sec. 841.0837. EMERGENCY DETENTION ORDER. (a) Defines "peace officer."

(b) Authorizes TCCO, 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, to issue an emergency detention order for the person's immediate apprehension and transportation to a location designated by TCCO.

Sec. 841.0838. USE OF RESTRAINTS. (a) Authorizes an employee of TCCO, or person who contracts with TCCO or an employee of that person, to use mechanical or chemical restraints on a committed person residing in a TCCC or while transporting a committed person who resides at the TCCC only if:

(1) the employee or person completes a training program approved by TCCO on the use of restraints that includes instruction on TCCO's approved restraint techniques and devices and de-escalation policies, and procedures and practices; and requires demonstrated competency in the use of restraint techniques and devices; and

(2) the restraint is used as a last resort; is necessary to prevent imminent physical injury to the committed person or another, threatening behavior by the committed person while the person is using or exhibiting a weapon, a disturbance by a group of committed persons, or an absconsion from the TCCC, and the least restrictive restraint necessary, used for the minimum duration necessary, to prevent the injury, property damage, or absconsion.

(b) Requires TCCO to develop procedures governing the use of mechanical or chemical restraints on committed persons.

SECTION 22. Amends Section 841.084(a), Health and Safety Code, as follows:

(a) Provides that, notwithstanding Section 841.146(c) (relating to requiring the state to pay certain costs associated with a civil commitment proceeding), a civilly committed person who is not indigent:

(1) is responsible for the cost of:

(A) and (B) makes no changes to these paragraphs; and

(C) repairs to or replacement of the tracking equipment required by Section 841.082 (Commitment Requirements), if the person intentionally caused the damage to or loss of the equipment as determined by TCCO; and

(2) is required to pay to TCCO, rather than is required monthly to pay to TCCO:

(A) creates this paragraph from existing text. Requires a civilly committed person who is not indigent to pay to TCCO a monthly amount that TCCO determines will be necessary to defray certain costs with respect to the person; and

(B) as directed by TCCO, any amount for which the person is responsible under Subdivision (1)(C).

SECTION 23. Amends Section 841.085, Health and Safety Code, by adding Subsection (c), to authorize the special prosecution unit, on request of the local prosecuting attorney, to assist in the trial of an offense under this section.

SECTION 24. Amends Section 841.151(c), Health and Safety Code, as follows:

(c) Requires certain facilities, as soon as practicable before, but not later than the third business day preceding, rather than not later than the day preceding, the date a facility releases a person who, at the time of the person's detention or confinement, was civilly committed as an SVP, to notify TCCO and the person's case manager in writing of the anticipated date and time of the person's release.

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

Sec. 841.152. CERTAIN HEARINGS BY CLOSED-CIRCUIT VIDEO TELECONFERENCING PERMITTED. (a) Requires a court, notwithstanding Section 841.103(c) (relating to the entitlement of a committed person to all constitutional protections at certain hearings), on motion by the attorney representing the state, to 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) Requires that a recording of a hearing conducted as provided by Subsection (a) be made and preserved with the court's record of the hearing.

Sec. 841.153. STATE-ISSUED IDENTIFICATION; NECESSARY DOCUMENTATION. (a) Requires TCCO, 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 (Notice of Release of Sexually Violent Predator), to:

(1) determine whether the person has a valid license issued under Chapter 521 (Driver's Licenses and Certificates) or 522 (Commercial Driver's Licenses), Transportation Code, or a valid personal identification certificate issued under Chapter 521, Transportation Code; and

(2) if the person does not have a valid license or certificate, submit to DPS on behalf of the person a request for the issuance of a personal identification certificate under Chapter 521, Transportation Code.

(b) Requires TCCO to submit a request under Subsection (a)(2) as soon as practicable.

(c) Requires TCCO, DPS, and the vital statistics unit of DSHS, by rule, 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. Requires that the memorandum of understanding require DSHS to electronically verify the birth record of a committed person whose name and any other personal

information is provided by TCCO and to electronically report the recorded filing information to DPS to validate the identity of a committed person.

(d) Requires TCCO to reimburse DPS or DSHS, as applicable, for the actual costs incurred by those agencies in performing responsibilities established under this section. Authorizes TCCO to charge a committed person for the actual costs incurred under this section or for the fees required by Section 521.421 (License Fees; Examination Fees), Transportation Code.

SECTION 26. Amends Section 1.07(a), Penal Code, by adding Subdivision (8-a) to define "civil commitment facility."

SECTION 27. Amends Section 22.01, Penal Code, by amending Subsections (b-1) and (f) and adding Subsection (b-2), as follows:

(b-1) Provides that, notwithstanding Subsection (b) (relating to the classification of a person intentionally, knowingly, or recklessly causing a Class A misdemeanor or a felony of the third degree), an offense under Subsection (a)(1) (relating to creating an offense if a person causes certain bodily injury to another) is a felony of the third degree if the offense is committed:

(1) while the actor is committed to a civil commitment facility; and

(2) against:

(A) an officer or employee of TCCO 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 employee; or

(B) 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.

(b-2) Creates this subsection from existing text and makes no further changes to this subsection.

(f) Provides that the provisions of this subsection are for the purposes of Subsections (b)(2)(A) and (b-2)(2), rather than Subsections (b)(2)(A) and (b-1)(2).

SECTION 28. Amends the heading to Section 22.11, Penal Code, to read as follows:

Sec. 22.11. HARASSMENT BY PERSONS IN CERTAIN FACILITIES;  
HARASSMENT OF PUBLIC SERVANT.

SECTION 29. Amends Sections 22.11(a) and (e), Penal Code, as follows:

(a) Provides that a person commits an offense if, with the intent to assault, harass, or alarm, the person:

(1) makes nonsubstantive changes;

(2) while committed to a civil commitment facility causes:

(A) an officer or employee of TCCO to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an



animal while the officer or employee is lawfully discharging an official duty at a civil commitment facility or in retaliation for on account of an exercise of official power or performance of an official duty by the officer or employee; or

(B) a person who contracts with the state to perform a service in the facility or an employee of that person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal 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; or

(3) redesignates existing Subdivision (2) as Subdivision (3) and makes no further changes to this subdivision.

(e) Provides that the actor is presumed to have known the person was a public servant under certain circumstances, for purposes of Subsection (a)(3), rather than Subsection (a)(2).

SECTION 30. Amends the heading to Section 38.11, Penal Code, to read as follows:

Sec. 38.11. PROHIBITED SUBSTANCES AND ITEMS IN CORRECTIONAL OR CIVIL COMMITMENT FACILITY.

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

(a) Provides that 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, rather than a correctional 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, rather than correctional facility;

(3) through (5) makes no changes to these subdivisions.

(b) through (e) Makes conforming changes.

(i) Makes a nonsubstantive change.

SECTION 32. Amends Section 46.035(b), Penal Code, to include the premises of a civil commitment facility in the list of certain facilities or premises where a person licensed to carry a handgun commits an offense if the license holder carries a handgun under certain conditions into the facility or premises.

SECTION 33. Amends Section 25.025(a), Tax Code, to include a current or former employee of TCCO or of the predecessor in function of TCCO or a division of TCCO in the list of certain persons to which this section (Confidentiality of Certain Home Address Information) applies.

SECTION 34. Amends Section 521.101(h), Transportation Code, to include a person who fails to apply to DPS for renewal of the personal identification certificate as required by Article 62.060 or 62.2021, rather than by Article 62.060, Code of Criminal Procedure, as applicable, in the list of certain persons for whom DPS is required to automatically revoke each personal identification certificate issued by DPS.

SECTION 35. Amends Section 521.103(b), Transportation Code, as follows:

(b) Provides that 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 the 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). Creates this subdivision from existing text; and

(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. Amends Section 521.272(c), Transportation Code, as follows:

(c) Provides that, notwithstanding Sections 521.271 (License Expiration) and 521.2711 (License Expiration: Person at Least 85 Years of Age) a driver's license issued under this section (Renewal of License Issued to Certain Sex Offenders), 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 the 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 the application, subject to Paragraph (B); and

(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 Subdivision (1), on the earlier of the expiration date of the applicant's authorized stay in the United States or, as applicable, the first birthday of the license holder occurring after the date of application; the second birthday of the license holder occurring after the date of application, if the license holder holds an initial license issued under this section; or the sixth anniversary of the date the license was issued if the license holder is a person described by Article 62.2021, Code of Criminal Procedure, rather than the earlier of the expiration date of the applicant's authorized stay in the United States or the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application.

SECTION 37. Amends Section 521.348(a), Transportation Code, to make conforming changes.

SECTION 38. Amends Section 521.421(a-1), Transportation Code, to provide that the fee for a personal identification certificate issued under Section 501.0165 Government Code, or Section 841.153, Health and Safety Code, rather than Section 501.0165, Government Code, is \$5.

SECTION 39. Amends Section 522.033(b), Transportation Code, as follows:

(b) Provides that, notwithstanding Sections 522.013 (Non-Domiciled License or Permit) and 522.051 (Expiration of License or Permit), a commercial driver's license issued under this section, including certain licenses, 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. Repealers: Sections 420A.009(b) (relating to the classification of case manager positions for purposes of the salary schedule) and (c) (relating to certain salary increases for case managers), Government Code.

Repealer Section 841.141(b) (relating to requiring TCCO to adopt rules relating to certain standards of care and treatment for committed persons), Health and Safety Code.

SECTION 41. Makes application of Article 17.03, Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 42. Provides that 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, or after the effective date of this Act.

SECTION 43. Makes application of Sections 552.117(a) and 552.1175(a), Government Code, and Section 25.025(a), Tax Code, as amended by this Act, prospective.

SECTION 44. Requires the applicable court with jurisdiction over the committed person, 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, after notice and hearing by submission, to modify the requirement imposed as applicable to conform to that section.

SECTION 45. Makes application of Section 841.0834(e), Health and Safety Code, as added by this Act, prospective.

SECTION 46. Makes application of Sections 22.01, 22.11, 38.11, and 46.035, Penal Code, as amended by this Act, prospective.

SECTION 47. Authorizes the members of the board serving on the effective date of this Act to draw lots or use another method to determine the members who are required to serve terms that expire as provided by Section 420A.002(c), Government Code, as amended by this Act, in 2019, 2021, or 2023, respectively. Requires the members of the board appointed to succeed the members serving on the effective date of this Act to serve six-year terms.

SECTION 48. Effective date: September 1, 2017.