

By: King of Hemphill

H.B. No. 4103

Substitute the following for H.B. No. 4103:

By: White

C.S.H.B. No. 4103

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the civil commitment of sexually violent predators, the
3 operation of the Texas Civil Commitment Office, and certain related
4 offenses; increasing a criminal penalty.

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

6 SECTION 1. The heading to Section 30.010, Civil Practice
7 and Remedies Code, is amended to read as follows:

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

10 SECTION 2. Sections 30.010(a) and (b), Civil Practice and
11 Remedies Code, are amended to read as follows:

12 (a) Personal identifying information pertaining to an
13 individual, including the individual's home address, home
14 telephone number, and social security account number, is privileged
15 from discovery by an individual who is imprisoned or confined in any
16 correctional facility or civilly committed as a sexually violent
17 predator under Chapter 841, Health and Safety Code, if the
18 individual to whom the information pertains is:

19 (1) an employee of any correctional facility; ~~or~~

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

23 (3) related within the first degree by consanguinity
24 or affinity to an individual described by Subdivision (1) or (2)

1 ~~[who is an employee of any correctional facility]~~.

2 (b) Personal identifying information that is privileged
3 under this section may be discovered by an individual who is
4 imprisoned or confined in a correctional facility or civilly
5 committed as a sexually violent predator under Chapter 841, Health
6 and Safety Code, only if:

7 (1) the incarcerated individual or committed person
8 shows good cause to the court for the discovery of the information;
9 and

10 (2) the court renders an order that authorizes
11 discovery of the information.

12 SECTION 3. Article 2.13, Code of Criminal Procedure, is
13 amended by adding Subsection (d) to read as follows:

14 (d) On a request made by that office, a peace officer shall
15 execute an emergency detention order issued by the Texas Civil
16 Commitment Office under Section 841.0837, Health and Safety Code.

17 SECTION 4. Article 17.03, Code of Criminal Procedure, is
18 amended by amending Subsection (a) and adding Subsection (b-1) to
19 read as follows:

20 (a) Except as provided by Subsection (b) or (b-1) ~~[of this~~
21 ~~article]~~, a magistrate may, in the magistrate's discretion, release
22 the defendant on ~~[his]~~ personal bond without sureties or other
23 security.

24 (b-1) A magistrate may not release on personal bond a
25 defendant who, at the time of the commission of the charged offense,
26 is civilly committed as a sexually violent predator under Chapter
27 841, Health and Safety Code.

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

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

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

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

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

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

20 (a-1) For purposes of Subsection (a)(2) [this subsection],
21 a person complies with a requirement that the person register
22 within a 30-day period following a date if the person registers at
23 any time on or after the 27th day following that date but before the
24 33rd day after that date.

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

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

1 PERSONAL IDENTIFICATION CERTIFICATE: INDIVIDUALS RESIDING AT CIVIL
2 COMMITMENT CENTER. (a) Notwithstanding Article 62.060(b), a
3 person subject to registration who is civilly committed as a
4 sexually violent predator and resides at a civil commitment center
5 shall renew the person's department-issued driver's license or
6 personal identification certificate as prescribed by Section
7 521.103, 521.272, or 522.033, Transportation Code, as applicable.

8 (b) On the date that a person described by Subsection (a) no
9 longer resides at a civil commitment center, the person is required
10 to renew a driver's license or personal identification certificate
11 only as provided by Article 62.060(b).

12 SECTION 7. Section 411.0765(b), Government Code, is amended
13 to read as follows:

14 (b) A criminal justice agency may disclose criminal history
15 record information that is the subject of an order of nondisclosure
16 of criminal history record information under this subchapter to the
17 following noncriminal justice agencies or entities only:

- 18 (1) the State Board for Educator Certification;
- 19 (2) a school district, charter school, private school,
20 regional education service center, commercial transportation
21 company, or education shared service arrangement;
- 22 (3) the Texas Medical Board;
- 23 (4) the Texas School for the Blind and Visually
24 Impaired;
- 25 (5) the Board of Law Examiners;
- 26 (6) the State Bar of Texas;
- 27 (7) a district court regarding a petition for name

- 1 change under Subchapter B, Chapter 45, Family Code;
- 2 (8) the Texas School for the Deaf;
- 3 (9) the Department of Family and Protective Services;
- 4 (10) the Texas Juvenile Justice Department;
- 5 (11) the Department of Assistive and Rehabilitative
- 6 Services;
- 7 (12) the Department of State Health Services, a local
- 8 mental health service, a local intellectual and developmental
- 9 disability authority, or a community center providing services to
- 10 persons with mental illness or intellectual or developmental
- 11 disabilities;
- 12 (13) the Texas Private Security Board;
- 13 (14) a municipal or volunteer fire department;
- 14 (15) the Texas Board of Nursing;
- 15 (16) a safe house providing shelter to children in
- 16 harmful situations;
- 17 (17) a public or nonprofit hospital or hospital
- 18 district, or a facility as defined by Section 250.001, Health and
- 19 Safety Code;
- 20 (18) the securities commissioner, the banking
- 21 commissioner, the savings and mortgage lending commissioner, the
- 22 consumer credit commissioner, or the credit union commissioner;
- 23 (19) the Texas State Board of Public Accountancy;
- 24 (20) the Texas Department of Licensing and Regulation;
- 25 (21) the Health and Human Services Commission;
- 26 (22) the Department of Aging and Disability Services;
- 27 (23) the Texas Education Agency;

- 1 (24) the Judicial Branch Certification Commission;
- 2 (25) a county clerk's office in relation to a
3 proceeding for the appointment of a guardian under Title 3, Estates
4 Code;
- 5 (26) the Department of Information Resources but only
6 regarding an employee, applicant for employment, contractor,
7 subcontractor, intern, or volunteer who provides network security
8 services under Chapter 2059 to:
- 9 (A) the Department of Information Resources; or
10 (B) a contractor or subcontractor of the
11 Department of Information Resources;
- 12 (27) the Texas Department of Insurance;
- 13 (28) the Teacher Retirement System of Texas;
- 14 (29) the Texas State Board of Pharmacy;
- 15 (30) the Texas Civil Commitment Office;
- 16 (31) a bank, savings bank, savings and loan
17 association, credit union, or mortgage banker, a subsidiary or
18 affiliate of those entities, or another financial institution
19 regulated by a state regulatory entity listed in Subdivision (18)
20 or by a corresponding federal regulatory entity, but only regarding
21 an employee, contractor, subcontractor, intern, or volunteer of or
22 an applicant for employment by that bank, savings bank, savings and
23 loan association, credit union, mortgage banker, subsidiary or
24 affiliate, or financial institution; and
- 25 (32) [~~(31)~~] an employer that has a facility that
26 handles or has the capability of handling, transporting, storing,
27 processing, manufacturing, or controlling hazardous, explosive,

1 combustible, or flammable materials, if:

2 (A) the facility is critical infrastructure, as
3 defined by 42 U.S.C. Section 5195c(e), or the employer is required
4 to submit to a risk management plan under Section 112(r) of the
5 federal Clean Air Act (42 U.S.C. Section 7412) for the facility; and

6 (B) the information concerns an employee,
7 applicant for employment, contractor, or subcontractor whose
8 duties involve or will involve the handling, transporting, storing,
9 processing, manufacturing, or controlling hazardous, explosive,
10 combustible, or flammable materials and whose background is
11 required to be screened under a federal provision described by
12 Paragraph (A).

13 SECTION 8. Sections [411.1389](#)(a) and (c), Government Code,
14 are amended to read as follows:

15 (a) The Texas Civil Commitment Office is entitled to obtain
16 from the department criminal history record information that is
17 maintained by the department and that relates to a person who:

18 (1) has applied with the office to be:

19 (A) [~~(1)~~] an employee of the office; or

20 (B) [~~(2)~~] a contracted service provider with the
21 office; or

22 (2) seeks the office's approval to act as a contact or
23 chaperone for a person who is civilly committed as a sexually
24 violent predator under Chapter [841](#), Health and Safety Code.

25 (c) The Texas Civil Commitment Office shall destroy
26 criminal history record information obtained under Subsection (a)
27 as soon as practicable after the date on which, as applicable:

1 (1) the person's employment or contract with the
2 office terminates; ~~[or]~~

3 (2) the office decides not to employ or contract with
4 the person; or

5 (3) the office determines whether the person is
6 suitable as a contact or chaperone for a person who is civilly
7 committed as a sexually violent predator under Chapter 841, Health
8 and Safety Code.

9 SECTION 9. Section 420A.002(c), Government Code, is amended
10 to read as follows:

11 (c) Members of the board serve staggered six-year
12 [two-year] terms, with the terms of one or two members expiring on[-
13 Three members' terms expire February 1 of each even-numbered year
14 and two members' terms expire] February 1 of each odd-numbered
15 year.

16 SECTION 10. Section 420A.003, Government Code, is amended
17 by adding Subsection (a-1) to read as follows:

18 (a-1) The presiding officer shall select a member of the
19 board as an assistant presiding officer and may create board
20 committees.

21 SECTION 11. Section 420A.011, Government Code, is amended
22 to read as follows:

23 Sec. 420A.011. ADMINISTRATIVE ATTACHMENT; SUPPORT. (a) The
24 office is administratively attached to the Health and Human
25 Services Commission [~~Department of State Health Services~~].

26 (b) The Health and Human Services Commission [~~Department of~~
27 ~~State Health Services~~] shall provide administrative support

1 services, including human resources, budgetary, accounting,
2 purchasing, payroll, information technology, and legal support
3 services, to the office as necessary to carry out the purposes of
4 this chapter.

5 (c) The office, in accordance with the rules and procedures
6 of the Legislative Budget Board, shall prepare, approve, and submit
7 a legislative appropriations request that is separate from the
8 legislative appropriations request for the Health and Human
9 Services Commission [~~Department of State Health Services~~] and is
10 used to develop the office's budget structure. The office shall
11 maintain the office's legislative appropriations request and
12 budget structure separately from those of the commission
13 [~~department~~].

14 SECTION 12. Section 552.117(a), Government Code, is amended
15 to read as follows:

16 (a) Information is excepted from the requirements of
17 Section 552.021 if it is information that relates to the home
18 address, home telephone number, emergency contact information, or
19 social security number of the following person or that reveals
20 whether the person has family members:

21 (1) a current or former official or employee of a
22 governmental body, except as otherwise provided by Section 552.024;

23 (2) a peace officer as defined by Article 2.12, Code of
24 Criminal Procedure, or a security officer commissioned under
25 Section 51.212, Education Code, regardless of whether the officer
26 complies with Section 552.024 or 552.1175, as applicable;

27 (3) a current or former employee of the Texas

1 Department of Criminal Justice or of the predecessor in function of
2 the department or any division of the department, regardless of
3 whether the current or former employee complies with Section
4 552.1175;

5 (4) a peace officer as defined by Article 2.12, Code of
6 Criminal Procedure, or other law, a reserve law enforcement
7 officer, a commissioned deputy game warden, or a corrections
8 officer in a municipal, county, or state penal institution in this
9 state who was killed in the line of duty, regardless of whether the
10 deceased complied with Section 552.024 or 552.1175;

11 (5) a commissioned security officer as defined by
12 Section 1702.002, Occupations Code, regardless of whether the
13 officer complies with Section 552.024 or 552.1175, as applicable;

14 (6) an officer or employee of a community supervision
15 and corrections department established under Chapter 76 who
16 performs a duty described by Section 76.004(b), regardless of
17 whether the officer or employee complies with Section 552.024 or
18 552.1175;

19 (7) a current or former employee of the office of the
20 attorney general who is or was assigned to a division of that office
21 the duties of which involve law enforcement, regardless of whether
22 the current or former employee complies with Section 552.024 or
23 552.1175;

24 (8) a current or former employee of the Texas Juvenile
25 Justice Department or of the predecessors in function of the
26 department, regardless of whether the current or former employee
27 complies with Section 552.024 or 552.1175;

1 (9) a current or former juvenile probation or
2 supervision officer certified by the Texas Juvenile Justice
3 Department, or the predecessors in function of the department,
4 under Title 12, Human Resources Code, regardless of whether the
5 current or former officer complies with Section 552.024 or
6 552.1175;

7 (10) a current or former employee of a juvenile
8 justice program or facility, as those terms are defined by Section
9 261.405, Family Code, regardless of whether the current or former
10 employee complies with Section 552.024 or 552.1175; ~~or~~

11 (11) a current or former member of the Texas military
12 forces, as that term is defined by Section 437.001; or

13 (12) a current or former employee of the Texas Civil
14 Commitment Office or of the predecessor in function of the office or
15 a division of the office, regardless of whether the current or
16 former employee complies with Section 552.024 or 552.1175.

17 SECTION 13. The heading to Section 552.1175, Government
18 Code, is amended to read as follows:

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

24 SECTION 14. Section 552.1175(a), Government Code, is
25 amended to read as follows:

26 (a) This section applies only to:

27 (1) peace officers as defined by Article 2.12, Code of

1 Criminal Procedure;

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

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

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

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

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

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

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

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

23 (10) current or former juvenile probation and
24 detention officers certified by the Texas Juvenile Justice
25 Department, or the predecessors in function of the department,
26 under Title 12, Human Resources Code;

27 (11) current or former employees of a juvenile justice

1 program or facility, as those terms are defined by Section 261.405,
2 Family Code;

3 (12) current or former employees of the Texas Juvenile
4 Justice Department or the predecessors in function of the
5 department; ~~and~~

6 (13) federal judges and state judges as defined by
7 Section 13.0021, Election Code; and

8 (14) current or former employees of the Texas Civil
9 Commitment Office or of the predecessor in function of the office or
10 a division of the office.

11 SECTION 15. Section 572.032(a-1), Government Code, is
12 amended to read as follows:

13 (a-1) Before permitting a member of the public to view a
14 financial statement filed under this subchapter or providing a copy
15 of the statement to a member of the public, the [The] commission
16 shall remove [the home address of a judge or justice] from the [a
17 financial] statement, if applicable, the home address of [filed
18 under this subchapter before]:

19 (1) a judge or justice [permitting a member of the
20 public to view the statement]; or

21 (2) a member of the governing board or executive head
22 of the Texas Civil Commitment Office [providing a copy of the
23 statement to a member of the public].

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

26 (a) Before entering an order directing a person's civil
27 commitment, the judge shall impose on the person requirements

1 necessary to ensure the person's compliance with treatment and
2 supervision and to protect the community. The requirements shall
3 include:

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

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

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

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

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

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

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

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

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

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

27 (5) prohibiting the person from leaving the state

1 without prior authorization from the office.

2 (d) The committing court retains jurisdiction of the case
3 with respect to a proceeding conducted under this subchapter, other
4 than a criminal proceeding involving an offense under Section
5 841.085, or to a civil commitment proceeding conducted under
6 Subchapters F and G.

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

10 SECTION 17. Section 841.0832(b), Health and Safety Code, is
11 amended to read as follows:

12 (b) The office shall designate all or part of a facility
13 under Subsection (a) to serve as an intake and orientation facility
14 for committed persons on release from a secure correctional
15 facility.

16 SECTION 18. Section 841.0833, Health and Safety Code, is
17 amended to read as follows:

18 Sec. 841.0833. SECURITY AND MONITORING; CONFIDENTIALITY.

19 (a) The office shall develop procedures for the security and
20 monitoring of committed persons in each programming tier.

21 (b) Information regarding the security and monitoring
22 procedures developed under Subsection (a) is confidential and not
23 subject to disclosure under Chapter 552, Government Code.

24 SECTION 19. Section 841.0834, Health and Safety Code, is
25 amended by adding Subsection (e) to read as follows:

26 (e) A committed person who files a petition under this
27 section shall serve a copy of the petition on the office.

1 SECTION 20. Section 841.0836, Health and Safety Code, is
2 amended to read as follows:

3 Sec. 841.0836. RELEASE FROM HOUSING. (a) A committed
4 person released from housing operated by or under contract with the
5 office shall be released to:

6 (1) the county in which the person was most recently
7 convicted of a sexually violent offense; or

8 (2) if the county described by Subdivision (1) does
9 not provide adequate opportunities for the person's treatment and
10 for the person's housing or other supervision, as determined by the
11 office, a county designated by the office.

12 (b) The office may require a committed person released to a
13 county under Subsection (a)(2) to change the person's residence to
14 the county described by Subsection (a)(1) if the office determines
15 that adequate opportunities for the person's treatment and for the
16 person's housing or other supervision become available in that
17 county.

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

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

24 (b) For the purpose of returning a committed person to a
25 more restrictive setting following a transfer to less restrictive
26 housing and supervision under Section 841.0834 or a release under
27 Section 841.0836, the office may issue an emergency detention order

1 for the person's immediate apprehension and transportation to a
2 location designated by the office.

3 Sec. 841.0838. USE OF RESTRAINTS. (a) An employee of the
4 office, or a person who contracts with the office or an employee of
5 that person, may use mechanical or chemical restraints on a
6 committed person residing in a civil commitment center or while
7 transporting a committed person who resides at the center only if:

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

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

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

16 (2) the restraint is:

17 (A) used as a last resort;

18 (B) necessary to stop or prevent:

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

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

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

25 (iv) an absconsion from the center; and

26 (C) the least restrictive restraint necessary,
27 used for the minimum duration necessary, to stop or prevent the

1 injury, threatening behavior, disturbance, or absconsion.

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

4 SECTION 22. Section 841.084(a), Health and Safety Code, is
5 amended to read as follows:

6 (a) Notwithstanding Section 841.146(c), a civilly committed
7 person who is not indigent:

8 (1) is responsible for the cost of:

9 (A) housing and treatment provided under this
10 chapter; ~~and~~

11 (B) the tracking service required by Section
12 841.082; and

13 (C) repairs to or replacement of the tracking
14 equipment required by Section 841.082, if the person intentionally
15 caused the damage to or loss of the equipment, as determined by the
16 office; and

17 (2) ~~monthly~~ shall pay to the office:

18 (A) a monthly ~~the~~ amount that the office
19 determines will be necessary to defray the cost of providing the
20 housing, treatment, and service with respect to the person; and

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

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

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

1 SECTION 24. Section [841.151\(c\)](#), Health and Safety Code, is
2 amended to read as follows:

3 (c) As soon as practicable before, but not ~~Not~~ later than
4 the [third business](#) day preceding, the date a correctional facility,
5 secure correctional facility, or secure detention facility
6 releases a person who, at the time of the person's detention or
7 confinement, was civilly committed under this chapter as a sexually
8 violent predator, the facility shall notify the office and the
9 person's case manager in writing of the anticipated date and time of
10 the person's release.

11 SECTION 25. Subchapter H, Chapter [841](#), Health and Safety
12 Code, is amended by adding Sections [841.152](#) and [841.153](#) to read as
13 follows:

14 Sec. [841.152](#). CERTAIN HEARINGS BY CLOSED-CIRCUIT VIDEO
15 TELECONFERENCING PERMITTED. (a) Notwithstanding Section
16 [841.103\(c\)](#), on motion by the attorney representing the state, the
17 court shall require a committed person to appear via closed-circuit
18 video teleconferencing at a hearing on the modification of civil
19 commitment requirements under Section [841.082](#) or a hearing under
20 Subchapter F or G.

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

24 Sec. [841.153](#). STATE-ISSUED IDENTIFICATION; NECESSARY
25 DOCUMENTATION. (a) On the release of a committed person from a
26 correctional facility, secure correctional facility, or secure
27 detention facility, as those terms are defined by Section [841.151](#),

1 the office shall:

2 (1) determine whether the person has:

3 (A) a valid license issued under Chapter 521 or
4 522, Transportation Code; or

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

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

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

14 (c) The office, the Department of Public Safety, and the
15 vital statistics unit of the Department of State Health Services
16 shall adopt a memorandum of understanding that establishes their
17 respective responsibilities with respect to the issuance of a
18 personal identification certificate to a committed person,
19 including responsibilities related to verification of the person's
20 identity. The memorandum of understanding must require the
21 Department of State Health Services to electronically verify the
22 birth record of a committed person whose name and any other personal
23 information is provided by the office and to electronically report
24 the recorded filing information to the Department of Public Safety
25 to validate the identity of a committed person under this section.

26 (d) The office shall reimburse the Department of Public
27 Safety or the Department of State Health Services, as applicable,

1 for the actual costs incurred by those agencies in performing
2 responsibilities established under this section. The office may
3 charge a committed person for the actual costs incurred under this
4 section or for the fees required by Section 521.421, Transportation
5 Code.

6 SECTION 26. Section 1.07(a), Penal Code, is amended by
7 adding Subdivision (8-a) to read as follows:

8 (8-a) "Civil commitment facility" means a facility
9 owned, leased, or operated by the state, or by a vendor under
10 contract with the state, that houses only persons who have been
11 civilly committed as sexually violent predators under Chapter 841,
12 Health and Safety Code.

13 SECTION 27. Section 22.01, Penal Code, is amended by
14 amending Subsections (b-1) and (f) and adding Subsection (b-2) to
15 read as follows:

16 (b-1) Notwithstanding Subsection (b), an offense under
17 Subsection (a)(1) is a felony of the third degree if the offense is
18 committed:

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

21 (2) against:

22 (A) an officer or employee of the Texas Civil
23 Commitment Office:

24 (i) while the officer or employee is
25 lawfully discharging an official duty at a civil commitment
26 facility; or

27 (ii) in retaliation for or on account of an

1 exercise of official power or performance of an official duty by the
2 officer or employee; or

3 (B) a person who contracts with the state to
4 perform a service in a civil commitment facility or an employee of
5 that person:

6 (i) while the person or employee is engaged
7 in performing a service within the scope of the contract, if the
8 actor knows the person or employee is authorized by the state to
9 provide the service; or

10 (ii) in retaliation for or on account of the
11 person's or employee's performance of a service within the scope of
12 the contract.

13 (b-2) Notwithstanding Subsection (b)(2), an offense under
14 Subsection (a)(1) is a felony of the second degree if:

15 (1) the offense is committed against a person whose
16 relationship to or association with the defendant is described by
17 Section 71.0021(b), 71.003, or 71.005, Family Code;

18 (2) it is shown on the trial of the offense that the
19 defendant has been previously convicted of an offense under this
20 chapter, Chapter 19, or Section 20.03, 20.04, or 21.11 against a
21 person whose relationship to or association with the defendant is
22 described by Section 71.0021(b), 71.003, or 71.005, Family Code;
23 and

24 (3) the offense is committed by intentionally,
25 knowingly, or recklessly impeding the normal breathing or
26 circulation of the blood of the person by applying pressure to the
27 person's throat or neck or by blocking the person's nose or mouth.

1 (f) For the purposes of Subsections (b)(2)(A) and (b-2)(2)
2 [~~(b-1)(2)~~]:

3 (1) a defendant has been previously convicted of an
4 offense listed in those subsections committed against a person
5 whose relationship to or association with the defendant is
6 described by Section 71.0021(b), 71.003, or 71.005, Family Code, if
7 the defendant was adjudged guilty of the offense or entered a plea
8 of guilty or nolo contendere in return for a grant of deferred
9 adjudication, regardless of whether the sentence for the offense
10 was ever imposed or whether the sentence was probated and the
11 defendant was subsequently discharged from community supervision;
12 and

13 (2) a conviction under the laws of another state for an
14 offense containing elements that are substantially similar to the
15 elements of an offense listed in those subsections is a conviction
16 of the offense listed.

17 SECTION 28. The heading to Section 22.11, Penal Code, is
18 amended to read as follows:

19 Sec. 22.11. HARASSMENT BY PERSONS IN CERTAIN [~~CORRECTIONAL~~]
20 FACILITIES; HARASSMENT OF PUBLIC SERVANT.

21 SECTION 29. Sections 22.11(a) and (e), Penal Code, are
22 amended to read as follows:

23 (a) A person commits an offense if, with the intent to
24 assault, harass, or alarm, the person:

25 (1) while imprisoned or confined in a correctional or
26 detention facility, causes another person to contact the blood,
27 seminal fluid, vaginal fluid, saliva, urine, or feces of the actor,

1 any other person, or an animal; [~~or~~]

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

4 (A) an officer or employee of the Texas Civil
5 Commitment Office to contact the blood, seminal fluid, vaginal
6 fluid, saliva, urine, or feces of the actor, any other person, or an
7 animal:

8 (i) while the officer or employee is
9 lawfully discharging an official duty at a civil commitment
10 facility; or

11 (ii) in retaliation for or on account of an
12 exercise of official power or performance of an official duty by the
13 officer or employee; or

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

18 (i) while the person or employee is engaged
19 in performing a service within the scope of the contract, if the
20 actor knows the person or employee is authorized by the state to
21 provide the service; or

22 (ii) in retaliation for or on account of the
23 person's or employee's performance of a service within the scope of
24 the contract; or

25 (3) causes another person the actor knows to be a
26 public servant to contact the blood, seminal fluid, vaginal fluid,
27 saliva, urine, or feces of the actor, any other person, or an animal

1 while the public servant is lawfully discharging an official duty
2 or in retaliation or on account of an exercise of the public
3 servant's official power or performance of an official duty.

4 (e) For purposes of Subsection (a)(3) [~~(a)(2)~~], the actor is
5 presumed to have known the person was a public servant if the person
6 was wearing a distinctive uniform or badge indicating the person's
7 employment as a public servant.

8 SECTION 30. The heading to Section 38.11, Penal Code, is
9 amended to read as follows:

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

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

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

16 (1) an alcoholic beverage, controlled substance, or
17 dangerous drug to a person in the custody of a correctional facility
18 or civil commitment facility, except on the prescription of a
19 practitioner;

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

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

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

27 (5) a cigarette or tobacco product to a person

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

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

8 (B) places restrictions on:

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

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

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

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

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

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

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

26 (e) It is an affirmative defense to prosecution under
27 Subsection (b), (c), or (d)(1) that the person possessed the

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

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

14 (1) is a duly authorized member of the clergy with
15 rights and privileges granted by an ordaining authority that
16 includes administration of a religious ritual or ceremony requiring
17 the presence or consumption of an alcoholic beverage; and

18 (2) takes four ounces or less of an alcoholic beverage
19 into a [~~the~~] correctional facility and personally consumes all of
20 the alcoholic beverage or departs from the facility with any
21 portion of the beverage not consumed.

22 SECTION 32. Section 46.035(b), Penal Code, is amended to
23 read as follows:

24 (b) A license holder commits an offense if the license
25 holder intentionally, knowingly, or recklessly carries a handgun
26 under the authority of Subchapter H, Chapter 411, Government Code,
27 regardless of whether the handgun is concealed or carried in a

1 shoulder or belt holster, on or about the license holder's person:

2 (1) on the premises of a business that has a permit or
3 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
4 Beverage Code, if the business derives 51 percent or more of its
5 income from the sale or service of alcoholic beverages for
6 on-premises consumption, as determined by the Texas Alcoholic
7 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

8 (2) on the premises where a high school, collegiate,
9 or professional sporting event or interscholastic event is taking
10 place, unless the license holder is a participant in the event and a
11 handgun is used in the event;

12 (3) on the premises of a correctional facility;

13 (4) on the premises of a hospital licensed under
14 Chapter 241, Health and Safety Code, or on the premises of a nursing
15 facility licensed under Chapter 242, Health and Safety Code, unless
16 the license holder has written authorization of the hospital or
17 nursing facility administration, as appropriate;

18 (5) in an amusement park; ~~[or]~~

19 (6) on the premises of a church, synagogue, or other
20 established place of religious worship; or

21 (7) on the premises of a civil commitment facility.

22 SECTION 33. Section 25.025(a), Tax Code, is amended to read
23 as follows:

24 (a) This section applies only to:

25 (1) a current or former peace officer as defined by
26 Article 2.12, Code of Criminal Procedure;

27 (2) a county jailer as defined by Section 1701.001,

- 1 Occupations Code;
- 2 (3) an employee of the Texas Department of Criminal
3 Justice;
- 4 (4) a commissioned security officer as defined by
5 Section 1702.002, Occupations Code;
- 6 (5) a victim of family violence as defined by Section
7 71.004, Family Code, if as a result of the act of family violence
8 against the victim, the actor is convicted of a felony or a Class A
9 misdemeanor;
- 10 (6) a federal judge, a state judge, or the spouse of a
11 federal judge or state judge;
- 12 (7) a current or former employee of a district
13 attorney, criminal district attorney, or county or municipal
14 attorney whose jurisdiction includes any criminal law or child
15 protective services matters;
- 16 (8) an officer or employee of a community supervision
17 and corrections department established under Chapter 76,
18 Government Code, who performs a duty described by Section 76.004(b)
19 of that code;
- 20 (9) a criminal investigator of the United States as
21 described by Article 2.122(a), Code of Criminal Procedure;
- 22 (10) a police officer or inspector of the United
23 States Federal Protective Service;
- 24 (11) a current or former United States attorney or
25 assistant United States attorney and the spouse and child of the
26 attorney;
- 27 (12) a current or former employee of the office of the

1 attorney general who is or was assigned to a division of that office
2 the duties of which involve law enforcement;

3 (13) a medical examiner or person who performs
4 forensic analysis or testing who is employed by this state or one or
5 more political subdivisions of this state;

6 (14) a current or former member of the United States
7 armed forces who has served in an area that the president of the
8 United States by executive order designates for purposes of 26
9 U.S.C. Section 112 as an area in which armed forces of the United
10 States are or have engaged in combat;

11 (15) a current or former employee of the Texas
12 Juvenile Justice Department or of the predecessors in function of
13 the department;

14 (16) a current or former juvenile probation or
15 supervision officer certified by the Texas Juvenile Justice
16 Department, or the predecessors in function of the department,
17 under Title 12, Human Resources Code; ~~and~~

18 (17) a current or former employee of a juvenile
19 justice program or facility, as those terms are defined by Section
20 [261.405](#), Family Code; and

21 (18) a current or former employee of the Texas Civil
22 Commitment Office or of the predecessor in function of the office or
23 a division of the office.

24 SECTION 34. Section [521.101](#)(h), Transportation Code, is
25 amended to read as follows:

26 (h) The department shall automatically revoke each personal
27 identification certificate issued by the department to a person

1 who:

2 (1) is subject to the registration requirements of
3 Chapter 62, Code of Criminal Procedure; and

4 (2) fails to apply to the department for renewal of the
5 personal identification certificate as required by Article 62.060
6 or 62.2021, Code of Criminal Procedure, as applicable.

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

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

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

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

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

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

25 (1) if the license holder is a citizen, national, or
26 legal permanent resident of the United States or a refugee or asylee
27 lawfully admitted into the United States, on the first birthday of

1 the license holder occurring after the date of application, except
2 that:

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

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

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

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

14 (B) as applicable:

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

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

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

24 SECTION 37. Section 521.348(a), Transportation Code, is
25 amended to read as follows:

26 (a) A driver's license is automatically revoked if the
27 holder of the license:

1 (1) is subject to the registration requirements of
2 Chapter 62, Code of Criminal Procedure; and

3 (2) fails to apply to the department for renewal of the
4 license as required by Article 62.060 or 62.2021, Code of Criminal
5 Procedure, as applicable.

6 SECTION 38. Section 521.421(a-1), Transportation Code, is
7 amended to read as follows:

8 (a-1) The fee for a personal identification certificate
9 issued under Section 501.0165, Government Code, or Section 841.153,
10 Health and Safety Code, is \$5.

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

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

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

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

25 SECTION 40. The following provisions are repealed:

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

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

1 SECTION 41. Article 17.03, Code of Criminal Procedure, as
2 amended by this Act, applies only to a personal bond that is
3 executed on or after the effective date of this Act. A personal
4 bond executed before the effective date of this Act is governed by
5 the law in effect when the personal bond was executed, and the
6 former law is continued in effect for that purpose.

7 SECTION 42. Chapter 62, Code of Criminal Procedure, as
8 amended by this Act, applies to any person who, on or after the
9 effective date of this Act, is required to register under that
10 chapter, regardless of whether the offense or conduct for which the
11 person is required to register occurs before, on, or after the
12 effective date of this Act.

13 SECTION 43. Sections 552.117(a) and 552.1175(a),
14 Government Code, and Section 25.025(a), Tax Code, as amended by
15 this Act, apply only to a request for information that is received
16 by a governmental body or an officer for public information on or
17 after the effective date of this Act. A request for information
18 that was received before the effective date of this Act is governed
19 by the law in effect on the date the request was received, and the
20 former law is continued in effect for that purpose.

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

1 SECTION 45. Section 841.0834(e), Health and Safety Code, as
2 added by this Act, applies only to a petition filed on or after the
3 effective date of this Act. A petition filed before the effective
4 date of this Act is governed by the law in effect when the petition
5 was filed, and the former law is continued in effect for that
6 purpose.

7 SECTION 46. Sections 22.01, 22.11, 38.11, and 46.035, Penal
8 Code, as amended by this Act, apply only to an offense committed on
9 or after the effective date of this Act. An offense committed
10 before the effective date of this Act is governed by the law in
11 effect on the date the offense was committed, and the former law is
12 continued in effect for that purpose. For purposes of this section,
13 an offense was committed before the effective date of this Act if
14 any element of the offense occurred before that date.

15 SECTION 47. The members of the board of the Texas Civil
16 Commitment Office serving on the effective date of this Act may draw
17 lots or use another method to determine the members who shall serve
18 terms that expire as provided by Section 420A.002(c), Government
19 Code, as amended by this Act, in 2019, 2021, or 2023, respectively.
20 The members of the board appointed to succeed the members serving on
21 the effective date of this Act shall serve six-year terms.

22 SECTION 48. This Act takes effect September 1, 2017.