

By: Perry

S.B. No. 1576

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

(3) related within the first degree by consanguinity 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.

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 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 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 to read as follows:

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

- (1) the State Board for Educator Certification;
- (2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;
- (3) the Texas Medical Board;
- (4) the Texas School for the Blind and Visually Impaired;
- (5) the Board of Law Examiners;
- (6) the State Bar of Texas;
- (7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;
- (8) the Texas School for the Deaf;
- (9) the Department of Family and Protective Services;
- (10) the Texas Juvenile Justice Department;

(11) the Department of Assistive and Rehabilitative Services;

(12) the Department of State Health Services, a local mental health service, a local intellectual and developmental disability authority, or a community center providing services to persons with mental illness or intellectual or developmental disabilities;

(13) the Texas Private Security Board;

(14) a municipal or volunteer fire department;

(15) the Texas Board of Nursing;

(16) a safe house providing shelter to children in harmful situations;

(17) a public or nonprofit hospital or hospital district, or a facility as defined by Section 250.001, Health and Safety Code;

(18) the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, the consumer credit commissioner, or the credit union commissioner;

(19) the Texas State Board of Public Accountancy;

(20) the Texas Department of Licensing and Regulation;

(21) the Health and Human Services Commission;

(22) the Department of Aging and Disability Services;

(23) the Texas Education Agency;

(24) the Judicial Branch Certification Commission;

(25) a county clerk's office in relation to a proceeding for the appointment of a guardian under Title 3, Estates Code;

1 (26) the Department of Information Resources but only
2 regarding an employee, applicant for employment, contractor,
3 subcontractor, intern, or volunteer who provides network security
4 services under Chapter 2059 to:

5 (A) the Department of Information Resources; or

6 (B) a contractor or subcontractor of the
7 Department of Information Resources;

8 (27) the Texas Department of Insurance;

9 (28) the Teacher Retirement System of Texas;

10 (29) the Texas State Board of Pharmacy;

11 (30) the Texas Civil Commitment Office;

12 (31) a bank, savings bank, savings and loan
13 association, credit union, or mortgage banker, a subsidiary or
14 affiliate of those entities, or another financial institution
15 regulated by a state regulatory entity listed in Subdivision (18)
16 or by a corresponding federal regulatory entity, but only regarding
17 an employee, contractor, subcontractor, intern, or volunteer of or
18 an applicant for employment by that bank, savings bank, savings and
19 loan association, credit union, mortgage banker, subsidiary or
20 affiliate, or financial institution; and

21 (32) [~~(31)~~] an employer that has a facility that
22 handles or has the capability of handling, transporting, storing,
23 processing, manufacturing, or controlling hazardous, explosive,
24 combustible, or flammable materials, if:

25 (A) the facility is critical infrastructure, as
26 defined by 42 U.S.C. Section 5195c(e), or the employer is required
27 to submit to a risk management plan under Section 112(r) of the

1 federal Clean Air Act (42 U.S.C. Section 7412) for the facility; and

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

9 SECTION 9. Sections 411.1389(a) and (c), Government Code,
10 are amended to read as follows:

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

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

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

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

18 (2) seeks the office's approval to act as a contact or
19 chaperone for a person who is civilly committed as a sexually
20 violent predator under Chapter 841, Health and Safety Code.

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

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

26 (2) the office decides not to employ or contract with
27 the person; or

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

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

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

12 SECTION 11. Section 420A.003, Government Code, is amended
13 by adding Subsection (a-1) to read as follows:

14 (a-1) The presiding officer shall select a member of the
15 board as an assistant presiding officer and may create board
16 committees.

17 SECTION 12. Section 420A.011, Government Code, is amended
18 to read as follows:

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

22 (b) The Health and Human Services Commission [~~Department of~~
23 ~~State Health Services~~] shall provide administrative support
24 services, including human resources, budgetary, accounting,
25 purchasing, payroll, information technology, and legal support
26 services, to the office as necessary to carry out the purposes of
27 this chapter.

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

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 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

1 based on an assessment conducted using the sex offender screening
2 tool adopted under Article 62.007, Code of Criminal Procedure.

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

5 (a) Information is excepted from the requirements of
6 Section 552.021 if it is information that relates to the home
7 address, home telephone number, emergency contact information, or
8 social security number of the following person or that reveals
9 whether the person has family members:

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

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

16 (3) a current or former employee of the Texas
17 Department of Criminal Justice or of the predecessor in function of
18 the department or any division of the department, regardless of
19 whether the current or former employee complies with Section
20 552.1175;

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

27 (5) a commissioned security officer as defined by

1 Section 1702.002, Occupations Code, regardless of whether the
2 officer complies with Section 552.024 or 552.1175, as applicable;

3 (6) an officer or employee of a community supervision
4 and corrections department established under Chapter 76 who
5 performs a duty described by Section 76.004(b), regardless of
6 whether the officer or employee complies with Section 552.024 or
7 552.1175;

8 (7) a current or former employee of the office of the
9 attorney general who is or was assigned to a division of that office
10 the duties of which involve law enforcement, regardless of whether
11 the current or former employee complies with Section 552.024 or
12 552.1175;

13 (8) a current or former employee of the Texas Juvenile
14 Justice Department or of the predecessors in function of the
15 department, regardless of whether the current or former employee
16 complies with Section 552.024 or 552.1175;

17 (9) a current or former juvenile probation or
18 supervision officer certified by the Texas Juvenile Justice
19 Department, or the predecessors in function of the department,
20 under Title 12, Human Resources Code, regardless of whether the
21 current or former officer complies with Section 552.024 or
22 552.1175;

23 (10) a current or former employee of a juvenile
24 justice program or facility, as those terms are defined by Section
25 261.405, Family Code, regardless of whether the current or former
26 employee complies with Section 552.024 or 552.1175; [~~or~~]

27 (11) a current or former member of the Texas military

forces, as that term is defined by Section [437.001](#); or

(12) 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, regardless of whether the current or former employee complies with Section [552.024](#) or [552.1175](#).

SECTION 16. The heading to Section [552.1175](#), Government Code, is amended 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 17. Section [552.1175](#)(a), Government Code, is amended to read as follows:

(a) This section applies only to:

(1) peace officers as defined by Article [2.12](#), Code of Criminal Procedure;

(2) county jailers as defined by Section [1701.001](#), Occupations Code;

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

(4) commissioned security officers as defined by Section [1702.002](#), Occupations Code;

(5) employees of a district attorney, criminal district attorney, or county or municipal attorney whose jurisdiction includes any criminal law or child protective services

1 matters;

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

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

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

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

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

16 (11) current or former employees of a juvenile justice
17 program or facility, as those terms are defined by Section 261.405,
18 Family Code;

19 (12) current or former employees of the Texas Juvenile
20 Justice Department or the predecessors in function of the
21 department; ~~and~~

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

24 (14) current or former employees of the Texas Civil
25 Commitment Office or of the predecessor in function of the office or
26 a division of the office.

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

amended to read as follows:

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

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

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

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;

1 (4) requiring the person to~~+~~
2 ~~[(A)]~~ submit to tracking under a particular type
3 of tracking service and to ~~[any]~~ other appropriate supervision~~+~~
4 and to

5 ~~[(B)]~~ refrain from tampering with, altering,
6 modifying, obstructing, removing, or manipulating the tracking
7 equipment, if the person:

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

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

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

14 (D) resides in the community; and

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

17 SECTION 20. Section 841.0832(b), Health and Safety Code, is
18 amended to read as follows:

19 (b) The office shall designate all or part of a facility
20 under Subsection (a) to serve as an intake and orientation facility
21 for committed persons on release from a secure correctional
22 facility.

23 SECTION 21. Section 841.0833, Health and Safety Code, is
24 amended to read as follows:

25 Sec. 841.0833. SECURITY AND MONITORING; CONFIDENTIALITY.

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

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

4 SECTION 22. Section 841.0834, Health and Safety Code, is
5 amended by adding Subsection (e) to read as follows:

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

8 SECTION 23. Section 841.0836, Health and Safety Code, is
9 amended to read as follows:

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

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

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

19 (b) The office may require a committed person released to a
20 county under Subsection (a)(2) to change the person's residence to
21 the county described by Subsection (a)(1) if the office determines
22 that adequate opportunities for the person's treatment and for the
23 person's housing or other supervision become available in that
24 county.

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

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

4 (b) For the purpose of returning a committed person to a
5 more restrictive setting following a transfer to less restrictive
6 housing and supervision under Section 841.0834 or a release under
7 Section 841.0836, the office may issue an emergency detention order
8 for the person's immediate apprehension and transportation to a
9 location designated by the office.

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

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

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

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

23 (2) the restraint is:

24 (A) used as a last resort;

25 (B) necessary to prevent:

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

1 (ii) serious property damage; or

2 (iii) an escape from the center; and

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

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

8 SECTION 25. Section 841.084(a), Health and Safety Code, is
9 amended to read as follows:

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

12 (1) is responsible for the cost of:

13 (A) housing and treatment provided under this
14 chapter; ~~and~~

15 (B) the tracking service required by Section
16 841.082; and

17 (C) repairs to or replacement of the tracking
18 equipment required by Section 841.082, if the person intentionally
19 caused the damage to or loss of the equipment, as determined by the
20 office; and

21 (2) ~~[monthly]~~ shall pay to the office:

22 (A) a monthly ~~[the]~~ amount that the office
23 determines will be necessary to defray the cost of providing the
24 housing, treatment, and service with respect to the person; and

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

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

1 amended to read as follows:

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

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

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

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

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

1 (1) determine whether the person has:

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

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

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

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

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

25 (d) The office shall reimburse the Department of Public
26 Safety or the Department of State Health Services, as applicable,
27 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 by adding Subdivision (8-a) to read as follows:

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

SECTION 29. Section 22.01, Penal Code, is amended by amending Subsections (b-1) and (f) and adding Subsection (b-2) to read as follows:

(b-1) Notwithstanding Subsection (b), an offense under Subsection (a)(1) 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 the Texas Civil
Commitment Office:

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

(ii) 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:

(i) 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

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

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

(2) it is shown on the trial of the offense that the
defendant has been previously convicted of an offense under this

chapter, Chapter 19, or Section 20.03, 20.04, or 21.11 against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; and

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

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

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

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

SECTION 30. The heading to Section 22.11, Penal Code, is amended to read as follows:

Sec. 22.11. HARASSMENT BY PERSONS IN CERTAIN [~~CORRECTIONAL~~]

FACILITIES; HARASSMENT OF PUBLIC SERVANT.

SECTION 31. Sections 22.11(a) and (e), Penal Code, are amended to read as follows:

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

(1) while imprisoned or confined in a correctional or detention facility, causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal; ~~or~~

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

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

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

(ii) 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 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:

(i) while the person or employee is engaged in performing a service within the scope of the contract, if the

1 actor knows the person or employee is authorized by the state to
2 provide the service; or

3 (ii) in retaliation for or on account of the
4 person's or employee's performance of a service within the scope of
5 the contract; or

6 (3) causes another person the actor knows to be a
7 public servant to contact the blood, seminal fluid, vaginal fluid,
8 saliva, urine, or feces of the actor, any other person, or an animal
9 while the public servant is lawfully discharging an official duty
10 or in retaliation or on account of an exercise of the public
11 servant's official power or performance of an official duty.

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

16 SECTION 32. The heading to Section 38.11, Penal Code, is
17 amended to read as follows:

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

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

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

24 (1) an alcoholic beverage, controlled substance, or
25 dangerous drug to a person in the custody of a correctional facility
26 or civil commitment facility, except on the prescription of a
27 practitioner;

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

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

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

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

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

16 (B) places restrictions on:

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

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

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

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

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

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

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

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

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

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

25 (2) takes four ounces or less of an alcoholic beverage
26 into a ~~the~~ correctional facility and personally consumes all of
27 the alcoholic beverage or departs from the facility with any

1 portion of the beverage not consumed.

2 SECTION 34. Section 46.035(b), Penal Code, is amended to
3 read as follows:

4 (b) A license holder commits an offense if the license
5 holder intentionally, knowingly, or recklessly carries a handgun
6 under the authority of Subchapter H, Chapter 411, Government Code,
7 regardless of whether the handgun is concealed or carried in a
8 shoulder or belt holster, on or about the license holder's person:

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

15 (2) on the premises where a high school, collegiate,
16 or professional sporting event or interscholastic event is taking
17 place, unless the license holder is a participant in the event and a
18 handgun is used in the event;

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

20 (4) on the premises of a hospital licensed under
21 Chapter 241, Health and Safety Code, or on the premises of a nursing
22 facility licensed under Chapter 242, Health and Safety Code, unless
23 the license holder has written authorization of the hospital or
24 nursing facility administration, as appropriate;

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

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

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

2 SECTION 35. Section 25.025(a), Tax Code, is amended to read
3 as follows:

4 (a) This section applies only to:

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

7 (2) a county jailer as defined by Section 1701.001,
8 Occupations Code;

9 (3) an employee of the Texas Department of Criminal
10 Justice;

11 (4) a commissioned security officer as defined by
12 Section 1702.002, Occupations Code;

13 (5) a victim of family violence as defined by Section
14 71.004, Family Code, if as a result of the act of family violence
15 against the victim, the actor is convicted of a felony or a Class A
16 misdemeanor;

17 (6) a federal judge, a state judge, or the spouse of a
18 federal judge or state judge;

19 (7) a current or former employee of a district
20 attorney, criminal district attorney, or county or municipal
21 attorney whose jurisdiction includes any criminal law or child
22 protective services matters;

23 (8) an officer or employee of a community supervision
24 and corrections department established under Chapter 76,
25 Government Code, who performs a duty described by Section 76.004(b)
26 of that code;

27 (9) a criminal investigator of the United States as

described by Article 2.122(a), Code of Criminal Procedure;

(10) a police officer or inspector of the United States Federal Protective Service;

(11) a current or former United States attorney or assistant United States attorney and the spouse and child of the attorney;

(12) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement;

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

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

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

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

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

1 (18) a current or former employee of the Texas Civil
2 Commitment Office or of the predecessor in function of the office or
3 a division of the office.

4 SECTION 36. Section 521.101(h), Transportation Code, is
5 amended to read as follows:

6 (h) The department shall automatically revoke each personal
7 identification certificate issued by the department to a person
8 who:

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

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

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

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

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

26 (b-2) A personal identification certificate issued under
27 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

1 license issued under this section, [~~except that the initial license~~
2 ~~issued under this section expires on~~] the second birthday of the
3 license holder occurring after the date of application; or
4 (iii) if the license holder is a person
5 described by Article 62.2021, Code of Criminal Procedure, the
6 seventh birthday of the license holder occurring after the date of
7 application.

8 SECTION 39. Section 521.348(a), Transportation Code, is
9 amended to read as follows:

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

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

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

17 SECTION 40. Section 521.421(a-1), Transportation Code, is
18 amended to read as follows:

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

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

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

1 application, except that:

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

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

9 SECTION 42. Sections 420A.009(b) and (c), Government Code,
10 are repealed.

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

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

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

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

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

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

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

25 SECTION 49. The members of the board of the Texas Civil
26 Commitment Office serving on the effective date of this Act may draw
27 lots or use another method to determine the members who shall serve

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1 terms that expire as provided by Section 420A.002(c), Government
2 Code, as amended by this Act, in 2019, 2021, or 2023, respectively.
3 The members of the board appointed to succeed the members serving on
4 the effective date of this Act shall serve six-year terms.

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