

By: Murr

H.B. No. 3432

A BILL TO BE ENTITLED

AN ACT

relating to the civil commitment of sexually violent predators.

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

SECTION 1. Article 62.055, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (j) to read as follows:

(a) If a person, other than a person described by Subsection (j), required to register under this chapter intends to change address, regardless of whether the person intends to move to another state, the person shall, not later than the seventh day before the intended change, report in person to the local law enforcement authority designated as the person's primary registration authority by the department and to the juvenile probation officer, community supervision and corrections department officer, or parole officer supervising the person and provide the authority and the officer with the person's anticipated move date and new address. If a person, other than a person described by Subsection (j), required to register changes address, the person shall, not later than the later of the seventh day after changing the address or the first date the applicable local law enforcement authority by policy allows the person to report, report in person to the local law enforcement authority in the municipality or county in which the person's new residence is located and provide the authority with proof of identity and proof

1 of residence.

2 (j) The Texas Civil Commitment Office shall report a change
3 in address to each local law enforcement authority serving as the
4 current or proposed primary registration authority for a person
5 required to register under this chapter who is:

6 (1) civilly committed as a sexually violent predator
7 under Chapter 841, Health and Safety Code; and

8 (2) required to reside in a location other than a civil
9 commitment center by:

10 (A) a court under Chapter 574, Health and Safety
11 Code; or

12 (B) the Texas Civil Commitment Office.

13 SECTION 2. Sections 841.0834(b) and (d), Health and Safety
14 Code, are amended to read as follows:

15 (b) Without the office's approval, a committed person may
16 file a petition with the court for transfer to less restrictive
17 housing and supervision. The court shall grant the transfer if the
18 court determines that the transfer is in the best interests of the
19 person and conditions can be imposed that adequately protect the
20 community. A committed person who files a petition under this
21 subsection shall serve a copy of the petition on the office.

22 (d) Not later than the 90th day after the date a [A]
23 committed person is returned to a more restrictive setting under
24 Subsection (c), the committing court shall hold a hearing via
25 videoconference to [is entitled to file a petition with the court
26 seeking] review [of] the office's determination. The court shall
27 order the office to transfer the person to less restrictive housing

1 and supervision only if the court determines by clear and
2 convincing evidence that the office's determination was not made in
3 accordance with Subsection (c). The committed person may waive the
4 right to a hearing under this subsection.

5 SECTION 3. Section 841.0837, Health and Safety Code, is
6 amended to read as follows:

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

10 ~~[(b) For the purpose of returning a committed person to a~~
11 ~~more restrictive setting following a transfer to less restrictive~~
12 ~~housing and supervision under Section 841.0834 or a release under~~
13 ~~Section 841.0836, the]~~ office may issue an emergency detention
14 order for a committed ~~the~~ person's immediate apprehension and
15 transportation to an office-designated ~~a~~ location for the purpose
16 of:

17 (1) returning the person to a more restrictive setting
18 following:

19 (A) a transfer to less restrictive housing and
20 supervision under Section 841.0834; or

21 (B) a release under Section 841.0836; or

22 (2) for a recently committed person who is not in the
23 custody of the Texas Department of Criminal Justice at the time the
24 commitment order is entered, bringing the person under the
25 supervision of ~~designated by~~ the office.

26 SECTION 4. Section 841.084, Health and Safety Code, is
27 amended by adding Subsection (c) to read as follows:

1 (c) A committed person, on request, shall provide to the
2 office any financial records or other information regarding the
3 person's income, assets, and expenses to assist the office in
4 determining whether the person is indigent for purposes of this
5 section.

6 SECTION 5. Section 841.151, Health and Safety Code, is
7 amended by amending Subsection (c) and adding Subsection (c-1) to
8 read as follows:

9 (c) Except as provided by Subsection (c-1), as ~~As~~ soon as
10 practicable before, but not later than the third business day
11 preceding, the date a correctional facility, secure correctional
12 facility, or secure detention facility releases a person who, at
13 the time of the person's detention or confinement, was civilly
14 committed under this chapter as a sexually violent predator, the
15 facility shall notify the office and the person's case manager in
16 writing of the anticipated date and time of the person's release.

17 (c-1) Subsection (c) does not apply with respect to a person
18 whom a court orders to be immediately released from a correctional
19 facility, secure correctional facility, or secure detention
20 facility.

21 SECTION 6. Section 841.0834(e), Health and Safety Code, is
22 repealed.

23 SECTION 7. Section 841.0834, Health and Safety Code, as
24 amended by this Act, applies only to a petition for transfer that is
25 filed or to a return to a more restrictive setting that occurs on or
26 after the effective date of this Act. A petition filed or a return
27 that occurs before the effective date of this Act is governed by the

1 law in effect on the date the petition was filed or the return
2 occurred, and the former law is continued in effect for that
3 purpose.

4 SECTION 8. Section [841.151](#), Health and Safety Code, as
5 amended by this Act, applies only to the release of a committed
6 person that occurs on or after the effective date of this Act. The
7 release of a committed person that occurs before the effective date
8 of this Act is governed by the law in effect on the date the person
9 was released, and the former law is continued in effect for that
10 purpose.

11 SECTION 9. This Act takes effect September 1, 2021.