

1-1 By: Perry S.B. No. 1179
1-2 (In the Senate - Filed February 24, 2023; March 9, 2023,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 6, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 6, 2023,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1179 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to sexually violent predators and the prosecution of
1-20 certain offenses involving prohibited items at correctional or
1-21 civil commitment facilities; creating a criminal offense.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 20.02(c), Penal Code, is amended to read
1-24 as follows:

1-25 (c) An offense under this section is a Class A misdemeanor,
1-26 except that the offense is:

1-27 (1) a state jail felony if the person restrained was a
1-28 child younger than 17 years of age;

1-29 (2) a felony of the third degree if:

1-30 (A) the actor recklessly exposes the victim to a
1-31 substantial risk of serious bodily injury;

1-32 (B) the actor restrains an individual the actor
1-33 knows is a public servant while the public servant is lawfully
1-34 discharging an official duty or in retaliation or on account of an
1-35 exercise of official power or performance of an official duty as a
1-36 public servant; or

1-37 (C) the actor, while in custody or committed to a
1-38 civil commitment facility, restrains any other person; or

1-39 (3) notwithstanding Subdivision (2)(B), a felony of
1-40 the second degree if the actor restrains an individual the actor
1-41 knows is a peace officer or judge while the officer or judge is
1-42 lawfully discharging an official duty or in retaliation or on
1-43 account of an exercise of official power or performance of an
1-44 official duty as a peace officer or judge.

1-45 SECTION 2. Section 21.07(b), Penal Code, is amended to read
1-46 as follows:

1-47 (b) An offense under this section is a Class A misdemeanor,
1-48 except that the offense is a felony of the third degree if the actor
1-49 is civilly committed as a sexually violent predator under Chapter
1-50 841, Health and Safety Code.

1-51 SECTION 3. Section 21.08(b), Penal Code, is amended to read
1-52 as follows:

1-53 (b) An offense under this section is a Class B misdemeanor,
1-54 except that the offense is a felony of the third degree if the actor
1-55 is civilly committed as a sexually violent predator under Chapter
1-56 841, Health and Safety Code.

1-57 SECTION 4. Section 22.01(b-1), Penal Code, is amended to
1-58 read as follows:

1-59 (b-1) Notwithstanding Subsections [Subsection] (b) and (c),
1-60 an offense under Subsection (a) [~~(a)(1)~~] is a felony of the third

2-1 degree if the offense is committed:
 2-2 (1) by an [~~while the~~] actor who is committed to a civil
 2-3 commitment facility; and
 2-4 (2) against:
 2-5 (A) a person the actor knows is an officer or
 2-6 employee of the Texas Civil Commitment Office:
 2-7 (i) while the officer or employee is
 2-8 lawfully discharging an official duty [~~at a civil commitment~~
 2-9 ~~facility~~]; or
 2-10 (ii) in retaliation for or on account of an
 2-11 exercise of official power or performance of an official duty by the
 2-12 officer or employee; or
 2-13 (B) a person the actor knows is contracting [~~who~~
 2-14 ~~contracts~~] with the state to perform a service in a civil commitment
 2-15 facility or an employee of that person:
 2-16 (i) while the person or employee is engaged
 2-17 in performing a service within the scope of the contract[, ~~if the~~
 2-18 ~~actor knows the person or employee is authorized by the state to~~
 2-19 ~~provide the service~~]; or
 2-20 (ii) in retaliation for or on account of the
 2-21 person's or employee's performance of a service within the scope of
 2-22 the contract.
 2-23 SECTION 5. Section 38.11, Penal Code, is amended by
 2-24 amending Subsections (a), (d), and (k) and adding Subsection (j-1)
 2-25 to read as follows:
 2-26 (a) A person commits an offense if the person provides, or
 2-27 possesses with the intent to provide:
 2-28 (1) an alcoholic beverage, controlled substance, or
 2-29 dangerous drug to a person in the custody of a correctional facility
 2-30 or residing in a civil commitment facility, except on the
 2-31 prescription of a practitioner;
 2-32 (2) a deadly weapon to a person in the custody of a
 2-33 correctional facility or residing in a civil commitment facility;
 2-34 (3) a cellular telephone or other wireless
 2-35 communications device or a component of one of those devices to a
 2-36 person in the custody of a correctional facility;
 2-37 (4) money to a person confined in a correctional
 2-38 facility; or
 2-39 (5) a cigarette or tobacco product to a person
 2-40 confined in a correctional facility, except that if the facility is
 2-41 a local jail regulated by the Commission on Jail Standards, the
 2-42 person commits an offense only if providing the cigarette or
 2-43 tobacco product violates a rule or regulation adopted by the
 2-44 sheriff or jail administrator that:
 2-45 (A) prohibits the possession of a cigarette or
 2-46 tobacco product by a person confined in the jail; or
 2-47 (B) places restrictions on:
 2-48 (i) the possession of a cigarette or
 2-49 tobacco product by a person confined in the jail; or
 2-50 (ii) the manner in which a cigarette or
 2-51 tobacco product may be provided to a person confined in the jail.
 2-52 (d) A person commits an offense if the person:
 2-53 (1) possesses an alcoholic beverage, [~~a~~] controlled
 2-54 substance, or dangerous drug while in a correctional facility or
 2-55 civil commitment facility or on property owned, used, or controlled
 2-56 by a correctional facility or civil commitment facility; or
 2-57 (2) possesses a deadly weapon while in a correctional
 2-58 facility or civil commitment facility.
 2-59 (j-1) A person commits an offense if the person, while
 2-60 residing in a civil commitment facility, possesses a cellular
 2-61 telephone or other wireless communications device or a component of
 2-62 one of those devices unless the device or component is authorized by
 2-63 the Texas Civil Commitment Office.
 2-64 (k) A person commits an offense if, with the intent to
 2-65 provide to or make a cellular telephone or other wireless
 2-66 communications device or a component of one of those devices
 2-67 available for use by a person in the custody of a correctional
 2-68 facility or residing in a civil commitment facility, the person:
 2-69 (1) acquires a cellular telephone or other wireless

3-1 communications device or a component of one of those devices to be
3-2 delivered to the person in custody or residing in the facility;

3-3 (2) provides a cellular telephone or other wireless
3-4 communications device or a component of one of those devices to
3-5 another person for delivery to the person in custody or residing in
3-6 the facility; or

3-7 (3) makes a payment to a communication common carrier,
3-8 as defined by Article 18A.001, Code of Criminal Procedure, or to any
3-9 communication service that provides to its users the ability to
3-10 send or receive wire or electronic communications.

3-11 SECTION 6. Chapter 39, Penal Code, is amended by adding
3-12 Section 39.041 to read as follows:

3-13 Sec. 39.041. IMPROPER SEXUAL ACTIVITY WITH COMMITTED
3-14 PERSON. (a) In this section, "deviate sexual intercourse,"
3-15 "sexual contact," and "sexual intercourse" have the meanings
3-16 assigned by Section 21.01.

3-17 (b) An officer or employee of the Texas Civil Commitment
3-18 Office, a person who contracts with this state to perform a service
3-19 in a civil commitment facility or an employee of that person, or a
3-20 volunteer at a civil commitment facility commits an offense if the
3-21 person intentionally engages in deviate sexual intercourse, sexual
3-22 contact, or sexual intercourse with a person committed to a civil
3-23 commitment facility.

3-24 (c) An offense under this section is a felony of the third
3-25 degree.

3-26 (d) It is an affirmative defense to prosecution under this
3-27 section that, at the time of the offense, the actor was the spouse
3-28 of the person committed to the civil commitment facility.

3-29 (e) If conduct that constitutes an offense under this
3-30 section also constitutes an offense under any other law, the actor
3-31 may be prosecuted under this section, the other law, or both.

3-32 SECTION 7. Article 13.315, Code of Criminal Procedure, is
3-33 amended to read as follows:

3-34 Art. 13.315. FELONY OFFENSE COMMITTED BY CIVILLY COMMITTED
3-35 [FAILURE TO COMPLY WITH] SEXUALLY VIOLENT PREDATOR [CIVIL
3-36 COMMITMENT REQUIREMENT]. A felony [An] offense committed by a
3-37 person civilly committed under Chapter 841 [Section 841.085],
3-38 Health and Safety Code, may be prosecuted in the county in which any
3-39 element of the offense occurs or in the court that retains
3-40 jurisdiction over the civil commitment proceeding under Section
3-41 841.082, Health and Safety Code.

3-42 SECTION 8. Article 62.005(j), Code of Criminal Procedure,
3-43 is amended to read as follows:

3-44 (j) The department, for law enforcement purposes or for
3-45 supervision and treatment purposes, shall release all relevant
3-46 information described by Subsection (a), including information
3-47 that is not public information under Subsection (b), to a peace
3-48 officer, an employee of a local law enforcement authority, the
3-49 Texas Civil Commitment Office, or the attorney general on the
3-50 request of the applicable person or entity.

3-51 SECTION 9. Article 62.051, Code of Criminal Procedure, is
3-52 amended by amending Subsections (b), (e), and (f) and adding
3-53 Subsection (e-1) to read as follows:

3-54 (b) The department shall provide the Texas Department of
3-55 Criminal Justice, the Texas Juvenile Justice Department, the Texas
3-56 Civil Commitment Office, and each local law enforcement authority,
3-57 authority for campus security, county jail, and court with a form
3-58 for registering persons required by this chapter to register.

3-59 (e) Not later than the third day after the registration of a
3-60 person [a person's registering], the local law enforcement
3-61 authority with whom the person is registered shall send a copy of
3-62 the registration form to the department and, if the person resides
3-63 on the campus of a public or private institution of higher
3-64 education, to any authority for campus security for that
3-65 institution.

3-66 (e-1) The Texas Civil Commitment Office shall register with
3-67 the applicable local law enforcement authority on behalf of a
3-68 person who is civilly committed as a sexually violent predator
3-69 under Chapter 841, Health and Safety Code, and required to reside in

4-1 a civil commitment center. A person for whom registration is
 4-2 completed under this subsection is not required to verify the
 4-3 registration until the person is authorized to reside outside of
 4-4 the civil commitment center.

4-5 (f) Not later than the seventh day after the date on which
 4-6 the person is released or, for a person who is civilly committed as
 4-7 a sexually violent predator under Chapter 841, Health and Safety
 4-8 Code, authorized to reside outside of the civil commitment center,
 4-9 a person for whom registration is completed under this chapter
 4-10 shall report to the applicable local law enforcement authority to
 4-11 verify the information in the registration form received by the
 4-12 authority under this chapter. The authority shall require the
 4-13 person to produce proof of the person's identity and residence
 4-14 before the authority gives the registration form to the person for
 4-15 verification. If the information in the registration form is
 4-16 complete and accurate, the person shall verify registration by
 4-17 signing the form. If the information is not complete or not
 4-18 accurate, the person shall make any necessary additions or
 4-19 corrections before signing the form.

4-20 SECTION 10. Subtitle A, Title 2, Civil Practice and
 4-21 Remedies Code, is amended by adding Chapter 14A to read as follows:

4-22 CHAPTER 14A. LITIGATION BY CIVILLY COMMITTED INDIVIDUAL

4-23 SUBCHAPTER A. GENERAL PROVISIONS

4-24 Sec. 14A.001. DEFINITIONS. In this chapter:

4-25 (1) "Civilly committed individual" means a sexually
 4-26 violent predator as described by Section 841.003, Health and Safety
 4-27 Code, who has been committed to a facility operated by or under
 4-28 contract with the office.

4-29 (2) "Claim" means a cause of action governed by this
 4-30 chapter.

4-31 (3) "Office" means the Texas Civil Commitment Office.

4-32 (4) "Trust account" means a civilly committed
 4-33 individual's trust account administered by the office or by a
 4-34 facility under contract with the office.

4-35 (5) "Unsworn declaration" means a document executed in
 4-36 accordance with Chapter 132.

4-37 Sec. 14A.002. SCOPE OF CHAPTER. (a) This chapter applies
 4-38 only to an action, including an appeal or original proceeding,
 4-39 brought by a civilly committed individual in a district, county, or
 4-40 justice court or an appellate court, including the supreme court or
 4-41 the court of criminal appeals, in which an affidavit or unsworn
 4-42 declaration of inability to pay costs is filed by the civilly
 4-43 committed individual.

4-44 (b) This chapter does not apply to an action brought under
 4-45 the Family Code.

4-46 SUBCHAPTER B. DISMISSAL OF AND REQUIREMENTS FOR CLAIM

4-47 Sec. 14A.051. DISMISSAL OF FALSE, FRIVOLOUS, OR MALICIOUS
 4-48 CLAIM. (a) A court may dismiss a claim, either before or after
 4-49 service of process, if the court finds that:

4-50 (1) the allegation of poverty in the affidavit or
 4-51 unsworn declaration is false;

4-52 (2) the claim is frivolous or malicious; or

4-53 (3) the civilly committed individual filed an
 4-54 affidavit or unsworn declaration required by this chapter that the
 4-55 individual knew was false.

4-56 (b) In determining whether a claim is frivolous or
 4-57 malicious, the court may consider whether:

4-58 (1) the claim's realistic chance of ultimate success
 4-59 is slight;

4-60 (2) the claim has no arguable basis in law or in fact;

4-61 (3) it is clear that the civilly committed individual
 4-62 cannot prove the facts in support of the claim; or

4-63 (4) the claim is substantially similar to a previous
 4-64 claim filed by the civilly committed individual because the claim
 4-65 arises from the same operative facts.

4-66 (c) In determining whether Subsection (a) applies, the
 4-67 court may hold a hearing. The hearing may be held before or after
 4-68 service of process, and it may be held on motion of the court, a
 4-69 party, or the court clerk.

5-1 (d) On the filing of a motion under Subsection (c), the
5-2 court shall suspend discovery relating to the claim pending the
5-3 hearing.

5-4 (e) A court that dismisses a claim brought by a civilly
5-5 committed individual housed in a facility operated by or under
5-6 contract with the office may notify the office of the dismissal and,
5-7 on the court's own motion or the motion of any party or the court
5-8 clerk, may advise the office that a mental health evaluation of the
5-9 individual may be appropriate.

5-10 Sec. 14A.052. AFFIDAVIT RELATING TO PREVIOUS FILINGS. (a)
5-11 A civilly committed individual who files an affidavit or unsworn
5-12 declaration of inability to pay costs shall file a separate
5-13 affidavit or declaration:

5-14 (1) identifying the court that ordered the
5-15 individual's civil commitment under Chapter 841, Health and Safety
5-16 Code;

5-17 (2) indicating whether any cause of action or
5-18 allegation contained in the petition has previously been filed in
5-19 any other court, and if so, stating the cause of action or
5-20 allegation previously filed and complying with Subdivision (6) and
5-21 Subsection (b);

5-22 (3) identifying each action, other than an action
5-23 under the Family Code, previously brought by the individual in
5-24 which the individual was not represented by an attorney, without
5-25 regard to whether the individual was civilly committed at the time
5-26 the action was brought;

5-27 (4) certifying that all grievance processes
5-28 applicable to the matter that is the basis of the claim, if any,
5-29 have been exhausted;

5-30 (5) certifying that no court has found the individual
5-31 to be a vexatious litigant under Chapter 11; and

5-32 (6) describing each action that was previously brought
5-33 by:

5-34 (A) stating the operative facts for which relief
5-35 was sought;

5-36 (B) listing the case name, the cause number, and
5-37 the court in which the action was brought;

5-38 (C) identifying each party named in the action;
5-39 and

5-40 (D) stating the result of the action, including
5-41 whether the action or a claim that was a basis for the action was
5-42 dismissed as frivolous or malicious under Section 13.001, 14.003,
5-43 or 14A.051 or otherwise.

5-44 (b) If the affidavit or unsworn declaration filed under this
5-45 section states that a previous action or claim was dismissed as
5-46 frivolous or malicious, the affidavit or unsworn declaration must
5-47 state the date of the final order affirming the dismissal.

5-48 (c) The affidavit or unsworn declaration must be
5-49 accompanied by the certified copy of the trust account statement
5-50 required by Section 14A.054(f).

5-51 Sec. 14A.053. GRIEVANCE SYSTEM DECISION; EXHAUSTION OF
5-52 ADMINISTRATIVE REMEDIES. (a) A civilly committed individual who
5-53 files a claim that is subject to a grievance system established by
5-54 the office or a facility under contract with the office shall file
5-55 with the court:

5-56 (1) an affidavit or unsworn declaration stating the
5-57 date that the grievance was filed and the date the written decision
5-58 was received by the individual; and

5-59 (2) a copy of the written decision from the grievance
5-60 system.

5-61 (b) A court shall dismiss a claim if the civilly committed
5-62 individual fails to file the claim before the 31st day after the
5-63 date the individual receives the written decision from the
5-64 grievance system.

5-65 (c) If a claim is filed before the grievance system
5-66 procedure is complete, the court shall stay the proceeding with
5-67 respect to the claim for a period not to exceed 180 days to permit
5-68 completion of the grievance system procedure.

5-69 Sec. 14A.054. COURT FEES, COURT COSTS, OTHER COSTS. (a) A

6-1 court may order a civilly committed individual who has filed a claim
6-2 to pay court fees, court costs, and other costs in accordance with
6-3 this section and Section 14A.055. The court clerk shall mail a copy
6-4 of the court's order and a certified bill of costs to the office or
6-5 facility under contract with the office, as appropriate.

6-6 (b) On the court's order, the civilly committed individual
6-7 shall pay an amount equal to the lesser of:

6-8 (1) 20 percent of the preceding six months' deposits to
6-9 the individual's trust account; or

6-10 (2) the total amount of court fees, court costs, and
6-11 other costs.

6-12 (c) In each month following the month in which payment is
6-13 made under Subsection (b), the civilly committed individual shall
6-14 pay an amount equal to the lesser of:

6-15 (1) 10 percent of that month's deposits to the trust
6-16 account; or

6-17 (2) the total amount of court fees, court costs, and
6-18 other costs that remains unpaid.

6-19 (d) Payments under Subsection (c) shall continue until the
6-20 total amount of court fees, court costs, and other costs are paid or
6-21 until the civilly committed individual is released from
6-22 confinement.

6-23 (e) On receipt of a copy of an order issued under Subsection
6-24 (a), the office or facility under contract with the office shall
6-25 withdraw money from the trust account in accordance with
6-26 Subsections (b), (c), and (d). The office or facility shall hold the
6-27 money in a separate account and shall forward the money to the court
6-28 clerk on the earlier of the following dates:

6-29 (1) the date the total amount to be forwarded equals
6-30 the total amount of court fees, court costs, and other costs that
6-31 remains unpaid; or

6-32 (2) the date the civilly committed individual is
6-33 released.

6-34 (f) The civilly committed individual shall file a certified
6-35 copy of the individual's trust account statement with the court.
6-36 The statement must reflect the balance of the account at the time
6-37 the claim is filed and activity in the account during the six months
6-38 preceding the date on which the claim is filed. The court may
6-39 request the office to provide the information required under this
6-40 subsection.

6-41 (g) A civilly committed individual may authorize payment in
6-42 addition to that required by this section.

6-43 (h) The court may dismiss a claim if the civilly committed
6-44 individual fails to pay fees and costs assessed under this section.

6-45 (i) A civilly committed individual may not avoid the fees
6-46 and costs assessed under this section by nonsuiting a party or by
6-47 voluntarily dismissing the action.

6-48 Sec. 14A.055. OTHER COSTS. (a) An order under Section
6-49 14A.054(a) must include the costs described by Subsection (b) if
6-50 the court finds that:

6-51 (1) the civilly committed individual has previously
6-52 filed an action to which this chapter or Chapter 14 applies; and

6-53 (2) a final order has been issued that affirms that the
6-54 action was dismissed as frivolous or malicious under Section
6-55 13.001, 14.003, or 14A.051 or otherwise.

6-56 (b) If Subsection (a) applies, costs of court must include
6-57 expenses incurred by the court or by the office or facility under
6-58 contract with the office, in connection with the claim and not
6-59 otherwise charged to the civilly committed individual under Section
6-60 14A.054, including:

6-61 (1) expenses of service of process;

6-62 (2) postage; and

6-63 (3) transportation, housing, or medical care incurred
6-64 in connection with the appearance of the individual in the court for
6-65 any proceeding.

6-66 Sec. 14A.056. HEARING. (a) The court may hold a hearing
6-67 under this chapter at a facility operated by or under contract with
6-68 the office or may conduct the hearing with video communications
6-69 technology that permits the court to see and hear the civilly

7-1 committed individual and that permits the individual to see and
7-2 hear the court and any other witness.
7-3 (b) A hearing conducted under this section by video
7-4 communications technology shall be recorded on videotape or by
7-5 other electronic means. The recording is sufficient to serve as a
7-6 permanent record of the hearing.
7-7 Sec. 14A.057. SUBMISSION OF EVIDENCE. (a) The court may
7-8 request a person with an admissible document or admissible
7-9 testimony relevant to the subject matter of the hearing to submit a
7-10 copy of the document or written statement stating the substance of
7-11 the testimony.
7-12 (b) A written statement submitted under this section must be
7-13 made under oath or made as an unsworn declaration under Section
7-14 132.001.
7-15 (c) A copy of a document submitted under this section must
7-16 be accompanied by a certification executed under oath by an
7-17 appropriate custodian of the record stating that the copy is
7-18 correct and any other matter relating to the admissibility of the
7-19 document that the court requires.
7-20 (d) A person submitting a written statement or document
7-21 under this section is not required to appear at the hearing.
7-22 (e) The court shall require that the civilly committed
7-23 individual be provided with a copy of each written statement or
7-24 document not later than the 14th day before the date on which the
7-25 hearing is to begin.
7-26 Sec. 14A.058. DISMISSAL OF CLAIM. (a) The court may enter
7-27 an order dismissing the entire claim or a portion of the claim under
7-28 this chapter.
7-29 (b) If a portion of the claim is dismissed, the court shall
7-30 designate the issues and defendants on which the claim may proceed,
7-31 subject to Sections 14A.054 and 14A.055.
7-32 (c) An order under this section is not subject to
7-33 interlocutory appeal by the civilly committed individual.
7-34 Sec. 14A.059. EFFECT ON OTHER CLAIMS. (a) Except as
7-35 provided by Subsection (b), on receipt of an order assessing fees
7-36 and costs under Section 14A.054 that indicates that the court made
7-37 the finding described by Section 14A.055(a), a court clerk may not
7-38 accept for filing another claim by the civilly committed individual
7-39 until the fees and costs assessed under Section 14A.054 are paid.
7-40 (b) A court may allow a civilly committed individual who has
7-41 not paid the fees and costs assessed against the individual to file
7-42 a claim for injunctive relief seeking to enjoin an act or failure to
7-43 act that creates a substantial threat of irreparable injury or
7-44 serious physical harm to the individual.
7-45 Sec. 14A.060. QUESTIONNAIRE. To implement this chapter, a
7-46 court may develop, for use in that court, a questionnaire to be
7-47 filed by the civilly committed individual.
7-48 Sec. 14A.061. REVIEW AND RECOMMENDATION BY MAGISTRATES.
7-49 (a) The supreme court shall, by rule, adopt a system under which a
7-50 court may refer a suit governed by this chapter to a magistrate for
7-51 review and recommendation.
7-52 (b) The system adopted under Subsection (a) may be funded
7-53 from money appropriated to the supreme court or from money received
7-54 by the supreme court through interagency contract or contracts.
7-55 (c) For the purposes of Section 14A.062, the adoption of a
7-56 system by rule under Subsection (a) does not constitute a
7-57 modification or repeal of a provision of this chapter.
7-58 Sec. 14A.062. CONFLICT WITH TEXAS RULES OF CIVIL PROCEDURE.
7-59 Notwithstanding Section 22.004, Government Code, this chapter may
7-60 not be modified or repealed by a rule adopted by the supreme court.
7-61 SECTION 11. Title 4, Civil Practice and Remedies Code, is
7-62 amended by adding Chapter 78B to read as follows:
7-63 CHAPTER 78B. LIMITED LIABILITY FOR FIRST RESPONDER WELLNESS CHECK
7-64 AT CIVIL COMMITMENT FACILITY
7-65 Sec. 78B.001. DEFINITIONS. In this chapter:
7-66 (1) "First responder" means a law enforcement, fire
7-67 protection, or emergency medical services employee, volunteer, or
7-68 agency, including:
7-69 (A) a peace officer, as defined by Article 2.12,

8-1 Code of Criminal Procedure;
8-2 (B) fire protection personnel, as defined by
8-3 Section 419.021, Government Code;
8-4 (C) a volunteer firefighter who is:
8-5 (i) certified by the Texas Commission on
8-6 Fire Protection or by the State Firefighters' and Fire Marshals'
8-7 Association of Texas; or
8-8 (ii) a member of an organized volunteer
8-9 firefighting unit that provides firefighting services without
8-10 compensation and conducts a minimum of two drills each month, each
8-11 two hours long;
8-12 (D) an individual certified as emergency medical
8-13 services personnel by the Department of State Health Services; and
8-14 (E) an agency of this state or a political
8-15 subdivision of this state authorized by law to employ or supervise
8-16 personnel described by Paragraphs (A)-(D).
8-17 (2) "Wellness check" means a request by any person for
8-18 a first responder to visit a civil commitment facility and
8-19 determine the current condition of a sexually violent predator who
8-20 is civilly committed under Chapter 841, Health and Safety Code.
8-21 Sec. 78B.002. CONSTRUCTION OF CHAPTER. This chapter may
8-22 not be construed to prohibit a first responder from performing a
8-23 wellness check.
8-24 Sec. 78B.003. LIMITED LIABILITY FOR REFUSAL TO PROVIDE
8-25 WELLNESS CHECK. (a) A first responder is not required to perform a
8-26 wellness check.
8-27 (b) A first responder is not liable for damages incurred
8-28 from the first responder's refusal to perform a wellness check.
8-29 (c) A court shall immediately dismiss any action asserting a
8-30 claim described by Subsection (b).
8-31 Sec. 78B.004. REFERRAL TO TEXAS CIVIL COMMITMENT OFFICE. A
8-32 first responder may refer a person requesting a wellness check to
8-33 the Texas Civil Commitment Office, which may provide the person
8-34 with information regarding the current condition of the civilly
8-35 committed sexually violent predator if authorized under federal and
8-36 state law.
8-37 SECTION 12. Subchapter A, Chapter 411, Government Code, is
8-38 amended by adding Section 411.0092 to read as follows:
8-39 Sec. 411.0092. PRIMARY JURISDICTION. The sex offender
8-40 compliance unit described by Section 411.0091 has primary
8-41 jurisdiction to investigate a felony offense committed by a
8-42 sexually violent predator civilly committed under Chapter 841,
8-43 Health and Safety Code.
8-44 SECTION 13. Section 420A.008, Government Code, is amended
8-45 to read as follows:
8-46 Sec. 420A.008. STAFF. The office may select and employ a
8-47 general counsel, staff attorneys, a family liaison officer
8-48 described by Section 420A.012, and other staff necessary to perform
8-49 the office's functions.
8-50 SECTION 14. Chapter 420A, Government Code, is amended by
8-51 adding Sections 420A.012 and 420A.013 to read as follows:
8-52 Sec. 420A.012. FAMILY LIAISON OFFICER. (a) The office may
8-53 designate an employee to serve as a family liaison officer. The
8-54 family liaison officer may, as the office determines appropriate:
8-55 (1) facilitate the continuation and maintenance of
8-56 ties between a civilly committed sex offender and the offender's
8-57 family members who are supportive of the offender's participation
8-58 in the treatment and supervision program;
8-59 (2) notify an offender regarding emergencies
8-60 concerning the offender's family and provide the offender with
8-61 other necessary information related to the offender's family; and
8-62 (3) assist in resolving problems that may affect
8-63 permitted contact with an offender.
8-64 (b) Before each required quarterly meeting of the board, a
8-65 family liaison officer designated under this section may provide an
8-66 update to the board regarding the officer's activities.
8-67 (c) This section does not:
8-68 (1) require the office to designate a family liaison
8-69 officer; or

9-1 (2) guarantee to a civilly committed sex offender or
 9-2 family member of an offender any additional right or privilege that
 9-3 is not already required by state or federal law.

9-4 (d) In implementing this section, the office may adopt any
 9-5 policy or impose any limitation the office considers necessary.

9-6 Sec. 420A.013. FAMILY UNITY AND PARTICIPATION. (a) The
 9-7 office may adopt and implement policies that encourage family unity
 9-8 during a civilly committed sex offender's commitment. In adopting
 9-9 the policies, the office may consider the impact of a telephone,
 9-10 mail, and in-person visitation policy on a family member's ability
 9-11 to provide support to the offender through ongoing, appropriate
 9-12 contact with the offender while the offender participates in the
 9-13 treatment and supervision program.

9-14 (b) This section does not guarantee to a civilly committed
 9-15 sex offender or family member of an offender any additional right or
 9-16 privilege that is not already required by state or federal law.

9-17 (c) In implementing this section, the office may adopt any
 9-18 policy or impose any limitation the office considers necessary.

9-19 SECTION 15. Subchapter C, Chapter 552, Government Code, is
 9-20 amended by adding Section 552.1345 to read as follows:

9-21 Sec. 552.1345. EXCEPTION: CONFIDENTIALITY OF CERTAIN
 9-22 INFORMATION RELATING TO CIVILLY COMMITTED SEXUALLY VIOLENT
 9-23 PREDATORS. (a) Except as provided by Subsection (b), information
 9-24 obtained or maintained by the Texas Civil Commitment Office is
 9-25 excepted from the requirements of Section 552.021 if it is
 9-26 information about a person who is civilly committed as a sexually
 9-27 violent predator under Chapter 841, Health and Safety Code.

9-28 (b) Subsection (a) does not apply to statistical or other
 9-29 aggregated information relating to persons civilly committed to one
 9-30 or more facilities operated by or under a contract with the office.

9-31 SECTION 16. Subchapter I, Chapter 2001, Government Code, is
 9-32 amended by adding Section 2001.227 to read as follows:

9-33 Sec. 2001.227. TEXAS CIVIL COMMITMENT OFFICE. This chapter
 9-34 does not apply to a rule or internal procedure of the Texas Civil
 9-35 Commitment Office that applies to a person who is civilly committed
 9-36 as a sexually violent predator under Chapter 841, Health and Safety
 9-37 Code, or to an action taken under that rule or procedure.

9-38 SECTION 17. Section 2155.144(a), Government Code, is
 9-39 amended to read as follows:

9-40 (a) This section applies only to the Health and Human
 9-41 Services Commission, each health and human services agency, ~~and~~
 9-42 the Department of Family and Protective Services, and agencies
 9-43 administratively attached to the Health and Human Services
 9-44 Commission. For the purposes of this section, the Department of
 9-45 Family and Protective Services or an agency administratively
 9-46 attached to the Health and Human Services Commission is considered
 9-47 a health and human services agency.

9-48 SECTION 18. Section 109.051(b), Occupations Code, is
 9-49 amended to read as follows:

9-50 (b) Notwithstanding Subtitle B, Title 3, of this code or
 9-51 Chapter 611, Health and Safety Code, a person described by
 9-52 Subsection (a), on request or in the normal course of business,
 9-53 shall release information concerning the treatment of a sex
 9-54 offender to:

- 9-55 (1) another person described by Subsection (a);
- 9-56 (2) a criminal justice agency; ~~or~~
- 9-57 (3) a local law enforcement authority; or
- 9-58 (4) the Texas Civil Commitment Office.

9-59 SECTION 19. Section 109.052, Occupations Code, is amended
 9-60 to read as follows:

9-61 Sec. 109.052. RELEASE BY CRIMINAL JUSTICE AGENCY. A
 9-62 criminal justice agency, on request or in the normal course of
 9-63 official business, shall release information concerning the
 9-64 treatment of a sex offender to:

- 9-65 (1) another criminal justice agency;
- 9-66 (2) a local law enforcement authority; ~~or~~
- 9-67 (3) a person described by Section 109.051(a); or
- 9-68 (4) the Texas Civil Commitment Office.

9-69 SECTION 20. Section 109.053, Occupations Code, is amended

10-1 to read as follows:

10-2 Sec. 109.053. RELEASE BY LOCAL LAW ENFORCEMENT AUTHORITY.
10-3 A local law enforcement authority, on request or in the normal
10-4 course of official business, shall release information concerning
10-5 the treatment of a sex offender to:

- 10-6 (1) another local law enforcement authority;
- 10-7 (2) a criminal justice agency; ~~[or]~~
- 10-8 (3) a person described by Section 109.051(a); or
- 10-9 (4) the Texas Civil Commitment Office.

10-10 SECTION 21. Sections 841.002(1) and (8), Health and Safety
10-11 Code, are amended to read as follows:

10-12 (1) "Attorney representing the state" means a district
10-13 attorney, criminal district attorney, or county attorney with
10-14 felony criminal jurisdiction who represents the state in a [~~civil~~
10-15 ~~commitment~~] proceeding under this chapter.

10-16 (8) "Sexually violent offense" means:

10-17 (A) an offense under Section 21.02, 21.11(a)(1),
10-18 22.011, or 22.021, Penal Code;

10-19 (B) an offense under Section 20.04(a)(4), Penal
10-20 Code, if the person committed the offense with the intent to violate
10-21 or abuse the victim sexually;

10-22 (C) an offense under Section 30.02, Penal Code,
10-23 if the offense is punishable under Subsection (d) of that section
10-24 and the person entered the habitation [~~committed the offense~~]
10-25 with the intent to commit an offense listed in Paragraph (A) or (B) or
10-26 committed or attempted to commit an offense listed in Paragraph (A)
10-27 or (B);

10-28 (D) an offense under Section 19.02 or 19.03,
10-29 Penal Code, that, during the guilt or innocence phase or the
10-30 punishment phase for the offense, during the adjudication or
10-31 disposition of delinquent conduct constituting the offense, or
10-32 subsequently during a civil commitment proceeding under Subchapter
10-33 D, is determined beyond a reasonable doubt to have been based on
10-34 sexually motivated conduct;

10-35 (E) an attempt, conspiracy, or solicitation, as
10-36 defined by Chapter 15, Penal Code, to commit an offense listed in
10-37 Paragraph (A), (B), (C), or (D);

10-38 (F) an offense under prior state law that
10-39 contains elements substantially similar to the elements of an
10-40 offense listed in Paragraph (A), (B), (C), (D), or (E); or

10-41 (G) an offense under the law of another state,
10-42 federal law, or the Uniform Code of Military Justice that contains
10-43 elements substantially similar to the elements of an offense listed
10-44 in Paragraph (A), (B), (C), (D), or (E).

10-45 SECTION 22. Section 841.042, Health and Safety Code, is
10-46 amended to read as follows:

10-47 Sec. 841.042. ASSISTANCE FROM SPECIAL PROSECUTION UNIT. On
10-48 request of the attorney representing the state, the special
10-49 prosecution unit shall provide legal, financial, and technical
10-50 assistance to the attorney for a [~~civil commitment~~]
10-51 proceeding conducted under this chapter.

10-52 SECTION 23. Section 841.0834, Health and Safety Code, is
10-53 amended to read as follows:

10-54 Sec. 841.0834. MOVEMENT BETWEEN PROGRAMMING TIERS. (a)
10-55 The office shall transfer between programming tiers a committed
10-56 person required to reside in a total confinement facility [~~to less~~
10-57 ~~restrictive housing and supervision~~] if the transfer is in the best
10-58 interests of the person and conditions can be imposed that
10-59 adequately protect the community.

10-60 (b) Without the office's approval, a committed person may
10-61 file a petition with the court for transfer to the next less
10-62 restrictive tier [~~housing and supervision~~]. The court shall deny
10-63 the transfer if the petition is filed before the 180th day after the
10-64 date an order was entered under Subchapter D, F, or G or a previous
10-65 order was entered under this section. The court shall grant the
10-66 transfer if the court determines by clear and convincing evidence
10-67 that the transfer is in the best interests of the person and that
10-68 the office can impose conditions [~~can be imposed~~] that adequately
10-69 protect the community.

11-1 (c) A committed person who files a petition under Subsection
11-2 (b) [~~this subsection~~] shall serve a copy of the petition on the
11-3 office and the attorney representing the state.

11-4 (d) [~~(c)~~] The office shall transfer [~~return~~] a committed
11-5 person who is not required to reside in a total confinement facility
11-6 back [~~has been transferred to less restrictive housing and~~
11-7 ~~supervision~~] to a more restrictive setting in a total confinement
11-8 facility if the office considers the transfer necessary to further
11-9 treatment and to protect the community. The decision to transfer
11-10 the person must be based on the person's behavior or progress in
11-11 treatment.

11-12 (e) [~~(d)~~] Not later than the 90th day after the date a
11-13 committed person is returned to a more restrictive setting in a
11-14 total confinement facility under Subsection (d) [~~(c)~~], the
11-15 committing court shall hold a hearing via videoconference to review
11-16 the office's determination. The court shall order the office to
11-17 transfer the person to a less restrictive tier [~~housing and~~
11-18 ~~supervision~~] only if the court determines by clear and convincing
11-19 evidence that the office's determination was not made in accordance
11-20 with Subsection (d) [~~(c)~~]. The committed person may waive the right
11-21 to a hearing under this subsection.

11-22 SECTION 24. Section 841.0838, Health and Safety Code, is
11-23 amended to read as follows:

11-24 Sec. 841.0838. USE OF RESTRAINTS. (a) An employee of the
11-25 office, or a person who contracts with the office or an employee of
11-26 that person, may use mechanical [~~or chemical~~] restraints on a
11-27 committed person residing in a civil commitment center or while
11-28 transporting a committed person who resides at the center only if:

11-29 (1) the employee or person completes a training
11-30 program approved by the office on the use of mechanical restraints
11-31 that:

11-32 (A) includes instruction on the office's
11-33 approved mechanical restraint techniques and devices and the
11-34 office's verbal de-escalation policies, procedures, and practices;
11-35 and

11-36 (B) requires the employee or person to
11-37 demonstrate competency in the use of the mechanical restraint
11-38 techniques and devices; and

11-39 (2) the mechanical restraint is:

11-40 (A) considered necessary to maintain the safety
11-41 and security of the center or staff [~~used as a last resort~~];

11-42 (B) considered necessary to maintain the safety
11-43 of the public [~~necessary to stop or prevent~~];

11-44 [~~(i) imminent physical injury to the~~
11-45 ~~committed person or another;~~

11-46 [~~(ii) threatening behavior by the committed~~
11-47 ~~person while the person is using or exhibiting a weapon;~~

11-48 [~~(iii) a disturbance by a group of~~
11-49 ~~committed persons; or~~

11-50 [~~(iv) an absconsion from the center~~]; and

11-51 (C) the least restrictive restraint necessary,
11-52 used for the minimum duration necessary[, ~~to prevent the injury,~~
11-53 ~~property damage, or absconsion~~].

11-54 (b) An employee of the office, or a person who contracts
11-55 with the office or an employee of that person, may use chemical
11-56 restraints on a committed person residing in a civil commitment
11-57 center or while transporting a committed person who resides at the
11-58 center only if:

11-59 (1) the employee or person completes a training
11-60 program approved by the office on the use of chemical restraints
11-61 that:

11-62 (A) includes instruction on the office's
11-63 approved chemical restraint techniques and devices and the office's
11-64 verbal de-escalation policies, procedures, and practices; and

11-65 (B) requires the employee or person to
11-66 demonstrate competency in the use of chemical restraint techniques
11-67 and devices; and

11-68 (2) the chemical restraint is:

11-69 (A) used as a last resort;

12-1 (B) necessary to prevent or stop:
 12-2 (i) physical injury to the committed person
 12-3 or another;
 12-4 (ii) threatening behavior by the committed
 12-5 person;
 12-6 (iii) a disturbance by a group of committed
 12-7 persons; or
 12-8 (iv) an absconsion from the center; and

12-9 (C) the least restrictive restraint necessary,
 12-10 used for the minimum duration necessary, to prevent injury,
 12-11 property damage, or absconsion.

12-12 (c) The office shall develop procedures governing the use of
 12-13 mechanical or chemical restraints on committed persons.

12-14 SECTION 25. Section 841.102(c), Health and Safety Code, is
 12-15 amended to read as follows:

12-16 (c) The judge shall set a hearing if the judge determines by
 12-17 a preponderance of the evidence at the biennial review that:

12-18 (1) a requirement imposed on the person under this
 12-19 chapter should be modified; or

12-20 (2) [~~probable cause exists to believe that~~] the
 12-21 person's behavioral abnormality has changed to the extent that the
 12-22 person is no longer likely to engage in a predatory act of sexual
 12-23 violence.

12-24 SECTION 26. Sections 841.123(a), (c), and (d), Health and
 12-25 Safety Code, are amended to read as follows:

12-26 (a) If the committed person files a petition for release
 12-27 without the office's authorization, the person shall serve the
 12-28 petition on the court, [~~and~~] the attorney representing the state,
 12-29 and the office.

12-30 (c) Except as provided by Subsection (d), the judge shall
 12-31 deny without a hearing a petition for release filed without the
 12-32 office's authorization if [~~the petition is frivolous or if~~]:

12-33 (1) the judge determines by a preponderance of the
 12-34 evidence that [~~petitioner previously filed without the office's~~
 12-35 ~~authorization another petition for release; and~~

12-36 [~~(2) the judge determined on review of the previous~~
 12-37 ~~petition or following a hearing that:~~

12-38 [~~(A) the petition was frivolous; or~~

12-39 [~~(B)~~] the petitioner's behavioral abnormality
 12-40 has [~~had~~] not changed to the extent that the petitioner is [~~was~~] no
 12-41 longer likely to engage in a predatory act of sexual violence; or

12-42 (2) the petitioner has filed the petition for release
 12-43 before the 180th day after the date an order was entered under
 12-44 Subchapter D or F or a previous order was entered under this
 12-45 section.

12-46 (d) The judge is not required to deny a petition under
 12-47 Subsection (c)(2) if the judge determines by a preponderance of the
 12-48 evidence [~~probable cause exists to believe~~] that the petitioner's
 12-49 behavioral abnormality has changed to the extent that the
 12-50 petitioner is no longer likely to engage in a predatory act of
 12-51 sexual violence.

12-52 SECTION 27. Chapter 841, Health and Safety Code, is amended
 12-53 by adding Subchapter I to read as follows:

12-54 SUBCHAPTER I. ADMINISTRATION OF CERTAIN MEDICATION TO CERTAIN
 12-55 SEXUALLY VIOLENT PREDATORS

12-56 Sec. 841.201. DEFINITIONS. In this subchapter:

12-57 (1) "Capacity" means a committed person's ability to:

12-58 (A) understand the nature and consequences of a
 12-59 proposed treatment, including the benefits, risks, and
 12-60 alternatives to the proposed treatment; and

12-61 (B) make a decision whether to undergo the
 12-62 proposed treatment.

12-63 (2) "Medication-related emergency" means a situation
 12-64 in which it is immediately necessary to administer medication to a
 12-65 committed person to prevent:

12-66 (A) imminent probable death or substantial
 12-67 bodily harm to the committed person because the committed person:

12-68 (i) overtly or continually is threatening
 12-69 or attempting to commit suicide or serious bodily harm; or

13-1 (ii) is behaving in a manner that indicates
13-2 that the committed person is unable to satisfy the committed
13-3 person's need for nourishment, essential medical care, or
13-4 self-protection; or

13-5 (B) imminent physical or emotional harm to
13-6 another because of threats, attempted acts, or acts the committed
13-7 person overtly or continually makes or commits.

13-8 (3) "Psychoactive medication" has the meaning
13-9 assigned by Section 574.101.

13-10 Sec. 841.202. ADMINISTRATION OF MEDICATION TO COMMITTED
13-11 PERSON. A person may not administer a psychoactive medication to a
13-12 committed person who refuses to take the medication voluntarily
13-13 unless:

13-14 (1) the committed person is having a
13-15 medication-related emergency; or

13-16 (2) the committed person is under an order issued
13-17 under Section 841.205 authorizing the administration of medication
13-18 regardless of the committed person's refusal.

13-19 Sec. 841.203. PHYSICIAN'S APPLICATION FOR ORDER TO
13-20 AUTHORIZE PSYCHOACTIVE MEDICATION; DATE OF HEARING. (a) A
13-21 physician who is treating a committed person may, on behalf of the
13-22 state, file an application in a probate court or a court with
13-23 probate jurisdiction for an order to authorize the administration
13-24 of a psychoactive medication regardless of the committed person's
13-25 refusal if:

13-26 (1) the physician believes that the committed person
13-27 lacks the capacity to make a decision regarding the administration
13-28 of the psychoactive medication;

13-29 (2) the physician determines that the medication is
13-30 the proper course of treatment for the committed person;

13-31 (3) the committed person is receiving mental health
13-32 services under Section 841.0835 or other law; and

13-33 (4) the committed person, verbally or by other
13-34 indication, refuses to take the medication voluntarily.

13-35 (b) An application filed under this section must state:

13-36 (1) that the physician believes that the committed
13-37 person lacks the capacity to make a decision regarding
13-38 administration of the psychoactive medication and the reasons for
13-39 that belief;

13-40 (2) each medication the physician wants the court to
13-41 compel the committed person to take;

13-42 (3) whether the committed person is receiving mental
13-43 health services under Section 841.0835 or other law;

13-44 (4) the physician's diagnosis of the committed person;
13-45 and

13-46 (5) the proposed method for administering the
13-47 medication and, if the method is not customary, an explanation
13-48 justifying the departure from the customary methods.

13-49 (c) An application filed under this section is separate from
13-50 an application for court-ordered mental health services.

13-51 (d) A hearing on the application must be held not later than
13-52 the 30th day after the date the application was filed. If the
13-53 committed person is transferred to a mental health facility in
13-54 another county, the court may transfer the application to the
13-55 county where the committed person has been transferred.

13-56 (e) Subject to the requirement in Subsection (d) that the
13-57 hearing be held not later than the 30th day after the date the
13-58 application was filed, the court may grant one continuance on a
13-59 party's motion and for good cause shown. The court may grant more
13-60 than one continuance only with the agreement of the parties.

13-61 Sec. 841.204. RIGHTS OF COMMITTED PERSON. A committed
13-62 person for whom an application under Section 841.203 is filed is
13-63 entitled to:

13-64 (1) representation by a court-appointed attorney who
13-65 is knowledgeable about issues to be adjudicated at the hearing;

13-66 (2) meet with that attorney as soon as is practicable
13-67 to prepare for the hearing and to discuss any of the committed
13-68 person's questions or concerns;

13-69 (3) receive, immediately after the time of the hearing

14-1 is set, a copy of the application and written notice of the time,
 14-2 place, and date of the hearing;

14-3 (4) be told, at the time personal notice of the hearing
 14-4 is given, of the committed person's right to a hearing and right to
 14-5 the assistance of an attorney to prepare for the hearing and to
 14-6 answer any questions or concerns;

14-7 (5) be present at the hearing;

14-8 (6) request from the court an independent expert; and

14-9 (7) be notified orally, at the conclusion of the
 14-10 hearing, of the court's determinations of the committed person's
 14-11 capacity and best interests.

14-12 Sec. 841.205. HEARING AND ORDER AUTHORIZING PSYCHOACTIVE
 14-13 MEDICATION. (a) The court may issue an order authorizing the
 14-14 administration of one or more classes of psychoactive medication to
 14-15 a committed person who is receiving mental health services under
 14-16 Section 841.0835 or other law.

14-17 (b) The court may issue an order under this section only if
 14-18 the court finds by clear and convincing evidence after a hearing
 14-19 that the committed person:

14-20 (1) lacks the capacity to make a decision regarding
 14-21 the administration of the proposed medication and treatment with
 14-22 the proposed medication is in the best interest of the committed
 14-23 person; or

14-24 (2) as determined under Section 841.206, presents a
 14-25 danger to the committed person or others in the civil commitment
 14-26 center in which the committed person is being treated.

14-27 (c) In making the finding that treatment with the proposed
 14-28 medication is in the best interest of the committed person, the
 14-29 court shall consider:

14-30 (1) the committed person's expressed preferences
 14-31 regarding treatment with psychoactive medication;

14-32 (2) the committed person's religious beliefs;

14-33 (3) the risks and benefits, from the perspective of
 14-34 the committed person, of taking psychoactive medication;

14-35 (4) the consequences to the committed person if the
 14-36 psychoactive medication is not administered;

14-37 (5) the prognosis for the committed person if the
 14-38 committed person is treated with psychoactive medication;

14-39 (6) alternative, less intrusive treatments that are
 14-40 likely to produce the same results as treatment with psychoactive
 14-41 medication; and

14-42 (7) less intrusive treatments likely to secure the
 14-43 committed person's agreement to take the psychoactive medication.

14-44 (d) A hearing under this subchapter shall be conducted on
 14-45 the record by the probate judge or judge with probate jurisdiction,
 14-46 except as provided by Subsection (e).

14-47 (e) A judge may refer a hearing to a magistrate or
 14-48 court-appointed associate judge who has training regarding
 14-49 psychoactive medications. The magistrate or associate judge may
 14-50 provide the notice, set hearing dates, and appoint attorneys as
 14-51 required by this subchapter. A record is not required if the
 14-52 hearing is held by a magistrate or court-appointed associate judge.

14-53 (f) A party is entitled to a hearing de novo by the judge if
 14-54 an appeal of the magistrate's or associate judge's report is filed
 14-55 with the court not later than the third day after the date the
 14-56 report is issued. The hearing de novo must be held not later than
 14-57 the 30th day after the date the application under Section 841.203
 14-58 was filed.

14-59 (g) If a hearing or an appeal of a magistrate's or associate
 14-60 judge's report is to be held in a county court in which the judge is
 14-61 not a licensed attorney, the committed person or the committed
 14-62 person's attorney may request that the proceeding be transferred to
 14-63 a court with a judge who is licensed to practice law in this state.
 14-64 The county judge shall transfer the case after receiving the
 14-65 request, and the receiving court shall hear the case as if it had
 14-66 been originally filed in that court.

14-67 (h) As soon as practicable after the conclusion of the
 14-68 hearing, the committed person is entitled to have provided to the
 14-69 committed person and the committed person's attorney written

15-1 notification of the court's determinations under this section. The
 15-2 notification must include a statement of the evidence on which the
 15-3 court relied and the reasons for the court's determinations.

15-4 (i) An order issued under this section shall authorize the
 15-5 administration to a committed person, regardless of the committed
 15-6 person's refusal, of one or more classes of psychoactive
 15-7 medications specified in the application and consistent with the
 15-8 committed person's diagnosis. The order shall permit an increase
 15-9 or decrease in a medication's dosage, continuation of medication
 15-10 authorized but discontinued during the period the order is valid,
 15-11 or the substitution of a medication within the same class.

15-12 (j) The classes of psychoactive medications in the order
 15-13 must conform to classes determined by the Health and Human Services
 15-14 Commission.

15-15 (k) An order issued under this section may be reauthorized
 15-16 or modified on the petition of a party. The order remains in effect
 15-17 pending action on a petition for reauthorization or modification.
 15-18 For the purpose of this subsection, "modification" means a change
 15-19 of a class of medication authorized in the order.

15-20 Sec. 841.206. FINDING THAT COMMITTED PERSON PRESENTS A
 15-21 DANGER. In making a finding under Section 841.205(b)(2) that the
 15-22 committed person presents a danger to the committed person or
 15-23 others in the civil commitment center in which the committed person
 15-24 is being treated, the court shall consider:

15-25 (1) an assessment of the committed person's present
 15-26 mental condition;

15-27 (2) whether the committed person has inflicted,
 15-28 attempted to inflict, or made a serious threat of inflicting
 15-29 substantial physical or emotional harm to the committed person's
 15-30 self or to another while in the center; and

15-31 (3) whether the committed person, in the 180-day
 15-32 period preceding the date the committed person was placed in the
 15-33 center, has inflicted, attempted to inflict, or made a serious
 15-34 threat of inflicting substantial physical or emotional harm to
 15-35 another.

15-36 Sec. 841.207. COSTS. (a) The court shall order the payment
 15-37 of reasonable compensation to attorneys, physicians, language
 15-38 interpreters, sign interpreters, and associate judges appointed
 15-39 under this subchapter. The compensation paid shall be assessed as
 15-40 court costs.

15-41 (b) The agency responsible for services under Section
 15-42 [841.0835](#)(a) shall pay as provided by Subsection (a) the costs of a
 15-43 hearing held under Section 841.205 regarding an order for the
 15-44 administration of psychoactive medication to a committed person.

15-45 Sec. 841.208. APPEAL. (a) An appeal from an order issued
 15-46 under Section 841.205, or from a renewal or modification of an
 15-47 order, must be filed in the court of appeals for the county in which
 15-48 the order is issued.

15-49 (b) Notice of appeal must be filed not later than the 10th
 15-50 day after the date on which the order is issued.

15-51 (c) When an appeal is filed, the clerk shall immediately
 15-52 send a certified transcript of the proceedings to the court of
 15-53 appeals.

15-54 (d) An order issued under Section 841.205 is effective
 15-55 pending an appeal of the order.

15-56 (e) The court of appeals and supreme court shall give an
 15-57 appeal under this section preference over all other cases and shall
 15-58 advance the appeal on the docket. The courts may suspend all rules
 15-59 relating to the time for filing briefs and docketing cases.

15-60 Sec. 841.209. EXPIRATION OF ORDER. An order issued under
 15-61 Section 841.205 expires on the first anniversary of the date the
 15-62 order was issued.

15-63 SECTION 28. The changes in law made by this Act in amending
 15-64 Sections [20.02](#), [21.07](#), [21.08](#), [22.01](#), and [38.11](#), Penal Code, apply
 15-65 only to an offense committed on or after the effective date of this
 15-66 Act. An offense committed before the effective date of this Act is
 15-67 governed by the law in effect on the date the offense was committed,
 15-68 and the former law is continued in effect for that purpose. For
 15-69 purposes of this section, an offense was committed before the

16-1 effective date of this Act if any element of the offense occurred
16-2 before that date.

16-3 SECTION 29. Chapter 14A, Civil Practice and Remedies Code,
16-4 as added by this Act, applies only to an action filed on or after the
16-5 effective date of this Act.

16-6 SECTION 30. Chapter 78B, Civil Practice and Remedies Code,
16-7 as added by this Act, applies only to a cause of action that accrues
16-8 on or after the effective date of this Act.

16-9 SECTION 31. Subchapter I, Chapter 841, Health and Safety
16-10 Code, as added by this Act, applies to a hearing ordering the
16-11 administration of psychoactive medication to a committed person
16-12 under that chapter that occurs on or after the effective date of
16-13 this Act, regardless of whether the applicable conduct of the
16-14 committed person being evaluated for that purpose occurred before,
16-15 on, or after the effective date of this Act.

16-16 SECTION 32. This Act takes effect September 1, 2023.

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