

BILL ANALYSIS

Senate Research Center

S.B. 1610
By: Perry; Flores
Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Civil Commitment Office (TCCO), provides treatment and supervision to their clients who have been civilly committed as sexually violent predators. TCCO has continued to encounter several challenges with problematic clients that regularly hinder the effectiveness of TCCO's treatment and supervision programs. C.S.S.B. 1610 seeks to provide TCCO and law enforcement with additional tools to ensure compliance with agency policies and state law.

S.B. 1610 amends current law relating to sexually violent predators, to the Texas Civil Commitment Office, and to the prosecution of the offense of harassment by sexually violent predators and other persons confined in certain facilities, amends certain sex offender registration requirements, and increases criminal penalties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.42, Penal Code, by amending Subsection (d) and adding Subsection (e), as follows:

(d) Creates an exception under Subsection (e).

(e) Requires the defendant on conviction, notwithstanding certain subsections of Section 12.42 (Penalties for Repeat and Habitual Felony Offenders for First, Second, or Third Degree Felony), if it is shown on the trial of a felony offense other than a state jail felony punishable under Section 12.35(a) (relating to requiring an individual adjudged guilty to be punished by confinement for a certain amount of time) that the defendant was civilly committed as a sexually violent predator under Chapter 841 (Civil Commitment of Sexually Violent Predators), Health and Safety Code, at the time of the offense, to be punished by imprisonment in the Texas Department of Criminal Justice (TDCJ) for life, or for any term of not more than 99 years or less than 25 years.

SECTION 2. Reenacts Section 21.08(b), Penal Code, as amended by Chapters 351 (S.B. 1179) and 822 (H.B. 1730), Acts of the 88th Legislature, and amends it to make nonsubstantive changes.

SECTION 3. Amends Section 22.01, Penal Code, by adding Subsection (d-1), as follows:

(d-1) Provides that the actor is presumed to have known the person assaulted was a person described by Subsection (b-1)(2)(A) (relating to providing that an offense committed is a felony of the third degree if it is against a person the actor knows is an officer or an employee of Texas Civil Commitment Office (TCCO)) or (B) (relating to providing that the offense is a felony of the third degree if the offense is committed by a person the actors knows is contracting with the state to perform a service in a civil commitment facility) if the person was wearing a distinctive uniform or badge indicating

the person's status as an officer or employee of TCCO or a contractor or employee of a contractor performing a service in a civil commitment facility.

SECTION 4. Amends Section 22.012(b), Penal Code, as follows:

(b) Provides that an offense under Section 22.012 (Indecent Assault) is a Class A misdemeanor, except that the offense is designated as certain offenses in certain circumstances, including a felony of the third degree if the offense is committed by an actor who is committed to a civil commitment facility against a person the actor knows is an officer or employee of TCCO in certain circumstances or a person the actor knows is contracting with the state to perform a service in a civil commitment facility or an employee of that person in certain circumstances. Makes nonsubstantive changes.

SECTION 5. Amends Section 22.02, Penal Code, by amending Subsection (b) and adding Subsection (c-1), as follows:

(b) Provides that an offense under Section 22.02 (Aggravated Assault) is a felony of the second degree, except that the offense is a felony of the first degree if:

(1) makes no changes to this subdivision;

(2) regardless of whether the offense is committed under certain provisions of this section, the offense is committed:

(A)-(C) makes no changes to these paragraphs;

(D)-(E) makes nonsubstantive changes to these paragraphs; or

(F) by an actor who is committed to a civil commitment facility, against:

(i) a person the actor knows is an officer or employee of TCCO in certain circumstances; or

(ii) a person the actor knows is contracting with the state to perform a service in a civil commitment facility or an employee of that person in certain circumstances; or

(3)-(4) makes no changes to these subdivisions.

(c-1) Provides that the actor is presumed to have known the person assaulted was a person described by Subsection (b)(2)(F)(i) or (ii), as applicable, if the person was wearing a distinctive uniform or badge indicating the person's status as an officer or employee of TCCO or a contractor or employee of a contractor performing a service in a civil commitment facility.

SECTION 6. Amends Section 22.11, Penal Code, by amending Subsection (a) and adding Subsections (f) and (g), as follows:

(a) Provides that a person commits an offense if, with the intent to assault, harass, annoy, alarm, abuse, torment, or embarrass 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 any other fluid or liquid; or

(2)-(3) makes conforming changes to these subsections.

Makes a nonsubstantive change to this subsection.

(f) Provides that, for purposes of Subsection (a)(2) (relating to providing that a person commits an offense if, with certain malicious intent, the person, while committed to a civil commitment facility, causes an officer, employee, or a person whom contracts with the state to contact certain bodily fluids), the actor is presumed to have known the person was an officer or employee of TCCO or a person who contracts with the state to perform a service in a civil commitment facility or an employee of that person, as applicable, if the person was wearing a distinctive uniform or badge indicating the person's status as an officer or employee of TCCO or a contractor or employee of a contractor performing a service in a civil commitment facility.

(g) Provides that it is not a defense to prosecution under Subsection (a) that the actor warned any person that the actor intended to violate Subsection (a).

SECTION 7. Amends Section 36.06(b)(3), Penal Code, to redefine "public servant."

SECTION 8. Amends Article 13A.554, Code of Criminal Procedure, as follows:

Art. 13A.554. New heading: FELONY OFFENSE COMMITTED BY CIVILLY COMMITTED SEXUAL VIOLENT PREDATOR. Authorizes a felony offense committed by a person civilly committed under Chapter 841, rather than an offense under Section 841.085 (Criminal Penalty; Prosecution of Offense), to be prosecuted in any county in which an element of the offense occurs or the court that retains jurisdiction over the civil commitment proceeding under Section 841.082 (Commitment Requirements), Health and Safety Code.

SECTION 9. Amends Article 14.03(a), Code of Criminal Procedure, as follows:

(a) Authorizes any peace officer to arrest, without warrant, certain persons, including a person who the peace officer has probable cause to believe has committed a felony offense while civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code. Makes nonsubstantive changes.

SECTION 10. Amends Article 14.06(a), Code of Criminal Procedure, as follows:

(a) Requires a magistrate, when presented with a person arrested under the Code of Criminal Procedure, to immediately perform the duties described in Article 15.17 (Duties of Arresting Officer and Magistrate) in any manner permitted by that article. Makes nonsubstantive changes.

SECTION 11. Amends Articles 15.17(a) and (b), Code of Criminal Procedure, as follows:

(a) Authorizes a magistrate, if the arrested person is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, and residing at a civil commitment facility as defined by Section 1.07 (Definitions), Penal Code, to also choose to perform the duties of this article at the civil commitment facility.

(b) Provides that this subsection does not apply to an accused who is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, at the time of the offense. Makes nonsubstantive changes.

SECTION 12. Amends Article 17.091, Code of Criminal Procedure, as follows:

Art. 17.091. NOTICE OF CERTAIN BAIL REDUCTIONS REQUIRED. Requires a judge or magistrate, before the judge or magistrate reduces the amount of bail set for a defendant charged with certain offense, including any felony offense committed while the defendant is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, to provide certain information and opportunities.

SECTION 13. Amends Section 2, Article 17.151, Code of Criminal Procedure, as follows:

Sec. 2. Provides that the provisions of Article 17.151 (Release Because of Delay) do not apply to certain defendants, including a defendant who is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code. Makes nonsubstantive changes.

SECTION 14. Amends Chapter 17, Code of Criminal Procedure, by adding Article 17.411, as follows:

Art. 17.411. CONDITIONS FOR CIVILLY COMMITTED SEXUALLY VIOLENT PREDATORS. (a) Defines "civil commitment facility."

(b) Provides that this article applies only to a defendant who was civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, at the time of the alleged offense.

(c) Authorizes a magistrate to impose any reasonable condition of bond related to the safety of a victim of the alleged offense, to the safety of the community, or to the safety of staff, contractors, or volunteers at a civil commitment facility.

(d) Requires a magistrate to impose as a condition of bond that the defendant not commit a new offense while released on bond and comply with the defendant's civil commitment order for purposes of ensuring a safe environment at the civil commitment facility.

(e) Requires the magistrate, at a hearing limited to determining whether the defendant violated a condition of bond imposed under this article, to revoke the defendant's bond and order that the defendant be immediately returned to custody if the magistrate finds by a preponderance of the evidence that the violation occurred. Provides that, once the defendant is placed in custody, the revocation of the defendant's bond discharges the sureties on the bond, if any, from any future liability on the bond. Provides that a discharge under this subsection from any future liability on the bond does not discharge any surety from liability for previous forfeitures on the bond.

SECTION 15. Amends Article 42.08, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Creates an exception under Subsection (d).

(d) Requires the court, if a defendant has been convicted in two or more cases and was civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, at the time that any of the offenses were committed, to order the sentences for those offenses to run consecutively.

SECTION 16. Amends Article 62.001(5), Code of Criminal Procedure, to redefine "reportable conviction or adjudication."

SECTION 17. Amends Article 62.008, Code of Criminal Procedure, as follows:

Art. 62.008. GENERAL IMMUNITY. Provides that certain persons are immune from liability for good faith conduct under Chapter 62 (Sex Offender Registration Program), including an employee or officer of TDCJ, the Texas Juvenile Justice Department, the Department of Public Safety of the State of Texas (DPS), the Board of Pardons and Paroles, TCCO, or a local law enforcement authority.

SECTION 18. Amends Section 62.058, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Provides that this subsection applies to certain persons, including a person who has been civilly committed as a sexually violent predator under Chapter 841, Health and

Safety Code, and is not required to reside in a civil commitment center. Deletes existing text requiring a person subject to registration under this chapter who is not subject to the 90-day reporting requirement described by this subsection to report to the local law enforcement authority designated as the person's primary registration authority by DPS once each year not earlier than the 30th day before and not later than the 30th day after the anniversary of the person's date of birth to verify the information in the registration form maintained by the authority for that person. Makes conforming and nonsubstantive changes.

(a-1) Requires a person subject to registration under this chapter who is not subject to the 90-day reporting requirement described by this article to report to the local law enforcement authority designated as the person's primary registration authority by TDCJ once each year not earlier than the 30th day before and not later than the 30th day after the anniversary of the person's date of birth to verify the information in the registration form maintained by the authority for that person.

SECTION 19. Amends Article 62.063(b), Code of Criminal Procedure, as follows:

(b) Prohibits certain persons, including a person civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, for compensation, from:

(1)-(2) makes no changes to these subdivisions;

(3)-(4) makes nonsubstantive changes to these subdivisions;

(5) providing or offering to provide a service at a SAFE-ready facility, as defined by Section 323.001 (Definitions), Health and Safety Code, or another facility that provides forensic medical examinations to sexual assault survivors in accordance with Chapter 323 (Emergency Services and Forensic Examination Programs for Survivors of Sexual Assault), Health and Safety Code;

(6) providing or offering to provide a service at a sexual assault program, as defined by Section 420.003 (Definitions), Government Code;

(7) providing or offering to provide a service at a family violence center, as defined by Section 51.002 (Definitions), Human Resources Code;

(8) providing or offering to provide a service at any public or private primary or secondary school; or

(9) providing or offering to provide any coaching, tutoring, or mentoring service to a person younger than 18 years of age.

SECTION 20. Amends Articles 62.101(a) and (b), Code of Criminal Procedure, as follows:

(a) Provides that, except as provided by certain provisions, the duty to register for a person ends when the person dies if the person has a reportable conviction or adjudication, other than an adjudication of certain delinquent conduct, including an offense for which the person has been civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code. Makes nonsubstantive changes.

(b) Provides that, except as provided by Subchapter I (Early Termination of Certain Persons' Obligation to Register), the duty to register for a person otherwise subject to Subsection (a) ends on the 10th anniversary of one of certain dates, including the date on which the person is released from civil commitment as a sexually violent predator under Chapter 841, Health and Safety Code, whichever date is later, if the person's duty to register is based on a conviction or an order of deferred adjudication in a cause that was transferred to a district court or criminal district court under Section 54.02 (Waiver of Jurisdiction and Discretionary Transfer to Criminal Court), Family Code.

SECTION 21. Amends Article 66.102, Code of Criminal Procedure, by adding Subsection (j) to require that, in addition to the information described by Article 66.102 (Information Contained in Computerized Criminal History System), information in the computerized criminal history system include any civil commitment order issued under Chapter 841, Health and Safety Code.

SECTION 22. Amends Section 14A.056, Civil Practice and Remedies Code, as follows:

Section 14A.056. New heading: CONDUCT OF PROCEEDINGS. (a) Defines "remote proceeding."

(b) Creates this subsection from existing text. Authorizes the court, without the consent of the civilly committed individual or of the parties, to hold a proceeding, rather than a hearing, under Chapter 14A (Litigation by Civilly Committed Individual) at a facility operated by or under contract with TCCO or conduct a remote proceeding using technology, rather than conduct the hearing with video communications technology, that permits the court to see and hear the civilly committed individual and that permits the individual to see and hear the court and any other witness.

(c) Redesignates existing Subsection (b) as Subsection (c). Makes conforming changes.

SECTION 23. Amends Section 41.302, Government Code, as follows:

Sec. 41.302. GENERAL FUNCTION OF SPECIAL PROSECUTION UNIT. Provides that the special prosecution unit is an independent unit that cooperates with and supports prosecuting attorneys in prosecuting offenses and delinquent conduct described by Article 104.003(a) (relating to requiring the state to reimburse the county for certain expenses incurred by the county), Code of Criminal Procedure, and prosecutes offenses described by Section 41.311. Makes nonsubstantive changes.

SECTION 24. Amends Subchapter E, Chapter 41, Government Code, by adding Section 41.311, as follows:

Sec. 41.311. PROSECUTION OF CERTAIN OFFENSES. Provides that a prosecuting attorney serving on the unit has the same authority to represent this state in the prosecution of a criminal offense committed by a person civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, including an offense under Section 841.085, Health and Safety Code, as is conferred on a county attorney, district attorney, or criminal district attorney of a court with jurisdiction of the offense.

SECTION 25. Amends Section 411.1389, Government Code, by adding Subsection (d), as follows:

(d) Provides that TCCO is entitled to obtain from TDCJ criminal history record information that is maintained by TDCJ and that relates to a person who is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, or was previously committed as a sexually violent predator under Chapter 841, Health and Safety Code, and subsequently released by a court order.

SECTION 26. Amends Sections 420A.013(a), Government Code, as follows:

(a) Authorizes TCCO, in adopting policies that encourage family unity during a civilly committed sex offender's commitment, to consider the impact of a telephone, mail, and visitation, rather than in-person visitation, policy on a family member's ability to provide support to the offender through ongoing, appropriate contact with the offender while the offender participates in the treatment and supervision program.

SECTION 27. Amends Section 2155.144, Government Code, by adding Subsection (b-3), as follows:

(b-3) Provides that, notwithstanding any other law, TCCO is delegated the authority to procure common commodities or services described by Subsection (b-1)(1) (relating to providing that an agency is not delegated the authority to procure goods and services acquired for direct consumption or use by the agency in the day-to-day support of the agency) for office use if the total cost of the purchase is less than the total cost of the purchase under the Comptroller of Public Accounts of the State of Texas (comptroller) purchasing authority or as offered for sale as provided by Chapter 122 (Purchasing from People with Disabilities), Human Resources Code. Requires TCCO, in collaboration with the comptroller, to identify best practices for comparing the total costs and documenting cost savings.

SECTION 28. Amends Section 841.003(b), Health and Safety Code, as follows:

(b) Provides that a person is a repeat sexually violent offender for the purposes of this chapter in certain circumstances, including if the person is convicted of an offense under Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual), Penal Code, and a sentence is imposed for the offense.

SECTION 29. Amends Section 841.021(d), Health and Safety Code, as follows:

(d) Prohibits TDCJ from providing notice under Subsection (a) (relating to requiring TDCJ to give to the multidisciplinary team written notice of the anticipated release of certain persons) of the anticipated release of a person for whom TDCJ has previously provided notice under Section 841.021 (Notice of Potential Predator) and who has been previously recommended for assessment under Section 841.022 (Multidisciplinary Team) unless, after the recommendation for assessment was made, the person's parole or mandatory supervision is revoked based on certain circumstances, including failure to adhere to the requirements of sex offender treatment or supervision, rather than treatment and supervision.

SECTION 30. Amends Section 841.022, Health and Safety Code, by adding Subsection (d) to provide that the records of the multidisciplinary team established by TDCJ to review available records are confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code.

SECTION 31. Amends Section 843.083(d), Health and Safety Code, as follows:

(d) Prohibits the term of contract under this subsection from exceeding 10 years. Authorizes the contract to provide for an unlimited number of renewals each for an additional term not to exceed 10 years. Provides that this subsection prevails to the extent of a conflict between this subsection and any other law.

SECTION 32. Amends Section 841.0835, Health and Safety Code, by adding Subsection (d), as follows:

(d) Requires the committing court to order the payment of reasonable compensation to persons performing a duty or providing service under Section 841.0835 (Committed Persons with Special Needs). Requires that the compensation paid be assessed as court costs. Requires the Health and Human Services Commission to pay all court costs associated with this subsection.

SECTION 33. Amends Section 841.084, Health and Safety Code, by adding Subsections (a-1) and (a-2), as follows:

(a-1) Provides that a civilly committed sex offender, whether indigent or not, is responsible for the cost of repairs to or replacement of property belonging to this state, a contractor of this state or the agent of the contractor, the civil commitment facility, or another civilly committed sex offender, if the offender intentionally, knowingly, recklessly, or negligently caused damage to or the loss of the property and for the cost of

any expenses for medical care provided to the civilly committed sex offender or any other person, if the offender intentionally, knowingly, recklessly, or negligently acted in a manner that caused the injury for which medical care was provided.

(a-2) Requires a civilly committed sex offender to pay to TCCO, at TCCO's discretion, any amount for which the person is responsible under Subsection (a-1), as determined by TCCO.

SECTION 34. Amends Section 841.147, Health and Safety Code, as follows:

Sec. 841.147. IMMUNITY. (a) Creates this subsection from existing text. Provides that certain persons are immune from liability for good faith conduct under this chapter, including a person providing, or contracting, appointed, or volunteering to perform, a service, rather than a tracking service or another service, under this chapter, at the request of TCCO.

(b) Requires the court to dismiss any action asserting a claim against a person described by Subsection (a) that arose from the person's good faith conduct.

(c) Provides that this section does not affect a defense, immunity, or jurisdictional bar available to a person described by Subsection (a).

SECTION 35. Amends Subchapter H, Chapter 841, Health and Safety Code, by adding Sections 841.148 and 841.149, as follows:

Sec. 841.148. ATTORNEY GENERAL REPRESENTATION. (a) Requires the attorney general to defend any person described by Section 841.147(a)(4) (relating to providing that a person providing, or contracting, appointed, or volunteering to perform a service under this chapter, at the request of TCCO, is immune from liability for good faith conduct) in an action if TCCO requests that the attorney general defend the person and the action arises from a service performed under this chapter at the request of TCCO.

(b) Provides that TCCO or the person is not responsible for and is prohibited from paying any costs associated with the assistance.

Sec. 841.149. RECOVERY OF COURT COSTS AND ATTORNEY'S FEES. (a) Requires the court, in an action against a person described by Section 841.147(a)(4), to award to the person court costs and attorney's fees incurred in the action if the person is found immune under that section and the person is not represented by the attorney general.

(b) Requires the court, in an action against a person described by Section 841.147(a)(4) who is represented by the attorney general, to award to the attorney general court costs and attorney's fees incurred in the action if the person is found immune under that section.

SECTION 36. Repealer: Sections 14A.001(1) (relating to defining "civilly committed individual") and 14A.054(f) (relating to requiring the civilly committed individual to file a certified copy of the individual's trust account statement), Civil Practice and Remedies Code, as added by Chapter 203 (S.B. 1180), Acts of the 88th Legislature, Regular Session, 2023.

SECTION 37. Makes application of Sections 12.42, 21.08, 22.01, 22.012, 22.02, 22.11, and 36.06, Penal Code, and Article 42.08, Code of Criminal Procedure, prospective.

SECTION 38. Makes application of Article 14.03, 14.06, and 15.17, Code of Criminal Procedure, and Chapter 17, Code of Criminal Procedure, prospective.

SECTION 39. Provides that the changes in law made by this Act to Chapter 62, Code of Criminal Procedure, apply to any person who, on or after the effective date of this Act, is

required to register under that chapter, regardless of whether the offense or conduct for which the person is required to register occurs before, on, or after the effective date of this Act.

SECTION 40. Require DPS, as soon as practicable after the effective date of this Act, to input information in the computerized criminal history system as required by Article 66.102(j), Code of Criminal Procedure, as added by this Act, for any person who was civilly committed under Chapter 841, Health and Safety Code, before the effective date of this Act.

SECTION 41. (a) Provides that, except as otherwise provided by this section, the changes in law made by this Act to Chapter 841, Health and Safety Code, apply to a civil commitment proceeding under that chapter that is initiated on or after the effective date of this Act, regardless of when the applicable petition for civil commitment was filed.

(b) Provides that Section 841.147, Health and Safety Code, as amended by this Act, and Sections 841.148 and 841.149, Health and Safety Code, as added by this Act, apply only to an action filed on or after the effective date of this Act. An action filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 42. Provides that, to the extent of any conflict, this Act prevails over another Act of the 89th Legislature, Regular Session, 2025, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 43. Effective date: September 1, 2025.