

BILL ANALYSIS

Senate Research Center
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S.B. 1610
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Criminal Justice
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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. S.B. 1610 seeks to provide TCCO and law enforcement with additional tools to ensure compliance with agency policies and state law.

As proposed, 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 and harmonizes certain statute of limitations provisions, amends certain sex offender registration requirements, changes the eligibility for community supervision, parole, and mandatory supervision for sexually violent predators, creates a criminal offense, 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 3.03, Penal Code, by adding Subsection (f), as follows:

(f) Requires that, notwithstanding any other law, if the accused is found guilty in a single criminal action of more than one offense arising from the same criminal episode or if a plea agreement is reached in a case in which the accused was charged with more than one offense arising out of the same criminal episode, the sentences run consecutively if the accused was civilly committed as a sexually violent predator under Chapter 841 (Civil Commitment of Sexually Violent Predators), Health and Safety Code, at the time that any of the offenses were committed, regardless of whether the accused is convicted of or charged with violations of the same section more than once or is convicted of or charged with violations of more than one section.

SECTION 2. Amends Section 3.04, Penal Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Creates an exception under Subsection (b-1).

(b-1) Provides that, in the event of severance under Section 3.04 (Severance), the provisions of Section 3.03(f) apply, and the court is required to order the sentences to run consecutively as provided by that subsection.

SECTION 3. 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, 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.

SECTION 4. 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 5. 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 6. Amends Section 22.012(b), Penal Code, to provide 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 it is shown on the trial of the offense that the defendant was civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, at the time of the offense, and to make nonsubstantive changes.

SECTION 7. 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) the 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 8. Amends Section 22.07, Penal Code, by amending Subsections (c) and (c-1) and adding Subsection (f-1), as follows:

(c) Provides that an offense under Subsection (a)(2) (relating to providing that a person commits an offense if the person threatens to commit any offense involving violence with intent to place any person in fear of imminent serious bodily injury) is a Class B misdemeanor, except that the offense is:

(1) creates this subdivision from existing text and makes nonsubstantive changes;
or

(2) a felony of the third degree if the offense is committed:

(A) by an actor who is committed to a civil commitment facility; and

(B) 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.

(c-1) Makes a conforming change to this subsection.

(f-1) Provides that, for purposes of Subsection (c)(2), the actor is presumed to have known the person threatened was a person described by Subsection (c)(2)(B)(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 9. 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:

(A) creates this paragraph from existing text and makes nonsubstantive changes; or

(B) disperses, sprays, spits, smears, or throws a substance described by Paragraph A (relating to blood, seminal fluid, vaginal fluid, saliva, urine, or feces) in a correctional or detention facility in a manner that could cause certain consequences;

(2) while committed to a civil commitment facility:

(A) makes nonsubstantive changes to this paragraph;

(B) disperses, sprays, spits, smears, or throws a substance described by Paragraph (A) (relating to blood, seminal fluid, vaginal fluid, saliva, urine, or feces) in a civil commitment facility in a manner that could cause an officer or employee of TCCO to contact the substance or clean up the

substance while the officer or employee is lawfully discharging an official duty at a civil commitment facility or in retaliation for or on account of an exercise of official power or performance of an official duty by the officer or employee;

(C) creates this paragraph from existing text and makes a nonsubstantive change; or

(D) disperses, sprays, spits, smears, or throws a substance described by Paragraph (A) in a civil commitment facility in a manner that could cause a person who contracts with the state to perform a service in the facility or an employee of that person to contact the substance or clean up the substance while the person or employee is engaged in performing a service within the scope of the contract, if the actor knows the person or employee is authorized by the state to provide the service or in retaliation for or on account the person's or employee's performance of a service within the scope of the contract; or

(3) makes no changes to this subdivision.

(f) Provides that, for purposes of Subsection (a)(2), 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 recklessly violate Subsection (a).

SECTION 10. Amends Section 38.11, Penal Code, by amending Subsection (a) and adding Subsection (l), as follows:

(a) Provides that a person commits an offense if the person provides, or possesses with the intent to provide, certain items, including a cigarette, e-cigarette, nicotine product, or tobacco product to a person residing in a civil commitment facility. Makes nonsubstantive changes.

(l) Provides that a person commits an offense if the person, while residing in a civil commitment facility possesses a cigarette, e-cigarette, nicotine product, or tobacco product or manufactures an alcoholic beverage.

SECTION 11. Amends Section 38.11(f), Penal Code, to define "e-cigarette" and "nicotine product."

SECTION 12. Amends the heading to Section 38.115, Penal Code, to read as follows:

Sec. 38.115. OPERATION OF UNMANNED AIRCRAFT OVER CORRECTIONAL FACILITY, DETENTION FACILITY, OR CIVIL COMMITMENT FACILITY.

SECTION 13. Amends Section 38.115(a)(1), Penal Code, to redefine "contraband."

SECTION 14. Amends Sections 38.115(b), (c), and (d), Penal Code, as follows:

(b) Provides that a person knowingly commits an offense if the person intentionally or knowingly:

(1) operates an unmanned aircraft over a correctional facility, detention facility, or civil commitment facility and the unmanned aircraft is not higher than 400 feet above ground level; or

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

(c)-(d) Makes conforming changes to these subsections.

SECTION 15. Reenacts Article 12.01, Code of Criminal Procedure, as amended by Chapters 93 (S.B. 1527), 118 (H.B. 467), 127 (H.B. 1207), 422 (H.B. 1769), 520 (H.B. 3025), 689 (H.B. 1506), 704 (H.B. 2019), 709 (H.B. 2190), 768 (H.B. 4595), 830 (H.B. 2187), 885 (H.B. 4635), and 1041 (S.B. 129), Acts of the 88th Legislature, Regular Session, 2023, and amends it, as follows:

Art. 12.01. FELONIES. Authorizes felony indictments, except as provided in certain articles of the Code of Criminal Procedure, to be presented within these limits, and not afterward:

- (1) no limitation for certain felony indictments, including any felony offense if, at the time the offense is committed, the person was civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code;
- (2) makes a nonsubstantive change to this subdivision;
- (3) makes no changes to this subdivision;
- (4) five years from the date of the commission of the offense for certain felony indictments, including abandoning or endangering an elderly or disabled individual, rather than a child, elderly individual, or disabled individual;
- (5) makes a conforming change to this subdivision;
- (6) 20 years from the 18th birthday of the victim of certain offenses, including trafficking of a child, rather than of persons, under certain provisions of the Penal Code;
- (7) makes a nonsubstantive change to this subdivision; or
- (8)-(10) redesignates existing Subdivisions (7)-(9) as Subdivisions (8)-(10).

Makes nonsubstantive changes to this article.

SECTION 16. 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 convicted 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 17. Amends Article 14.03, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (b-1), 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.
- (b-1) Requires a peace officer to arrest, without a warrant, a person the peace officer has probable cause to believe has committed a felony offense if the person is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, and

the offense is committed in the presence of the peace officer or captured on a visual recording device.

SECTION 18. 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 19. Amends Articles 15.17(a) and (b), Code of Criminal Procedure, as follows:

(a) Authorizes a magistrate, if the person arrested 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 20. 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 21. 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 22. 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) Authorizes 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 only if the magistrate finds by a preponderance of the evidence that the violation occurred. Requires the magistrate, if the magistrate finds that the violation occurred, to revoke the defendant's bond and order that the defendant be

immediately returned to custody. 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 23. 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 24. Amends Subchapter B, Chapter 42A, Code of Criminal Procedure, by adding Article 42A.060, as follows:

Art. 42A.060. PLACEMENT ON COMMUNITY SUPERVISION PROHIBITED FOR CERTAIN OFFENSES INVOLVING SEXUALLY VIOLENT PREDATORS. Provides that, notwithstanding any other provision of Chapter 42A (Community Supervision), a defendant is not eligible for community supervision, including deferred adjudication community supervision, under this chapter if the defendant is charged with or convicted of a felony offense and at the time of the offense was civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code.

SECTION 25. Amends Article 62.001(5), Code of Criminal Procedure, to redefine "reportable conviction or adjudication."

SECTION 26. 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, the Board of Pardons and Paroles, TCCO, or a local law enforcement authority.

SECTION 27. 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 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 28. Amends Article 62.063(a), Code of Criminal Procedure, by adding Subdivision (3) to define "child."

SECTION 29. 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 child.

SECTION 30. Amends Subchapter B, Chapter 62, Code of Criminal Procedure, by adding Article 62.066, as follows:

Art. 62.066. REQUIRED SEX OFFENDER TREATMENT FOR CERTAIN PERSONS. Requires a person subject to registration under this chapter and civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, who is required to participate in sex offender treatment to attend and participate in the treatment.

SECTION 31. 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 32. 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 33. 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 to this subsection.

SECTION 34. Amends Section 420A.002(b), Government Code, to provide that TCCO is governed by a board composed of five members appointed by the governor, including one member experienced in the management of civilly committed persons, rather than the management of sex offenders.

SECTION 35. Amends Section 420A.010, Government Code, to make a conforming change.

SECTION 36. Amends Sections 420A.012(a) and (c), Government Code, to make conforming changes.

SECTION 37. Amends Sections 420A.013(a) and (b), Government Code, as follows:

(a) Authorizes TCCO, in adopting policies that encourage family unity during a civilly committed person'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 person through ongoing, appropriate contact with the person while the person participates in the treatment and supervision program. Makes conforming changes.

(b) Makes conforming changes to this subsection.

SECTION 38. Amends Section 508.145(a), Government Code, as follows:

(a) Provides that an inmate is not eligible for release on parole if the inmate is under sentence of death, serving a sentence of life imprisonment without parole, or serving a sentence for certain offenses, including any felony offense if the inmate was civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, at the time of the offense. Makes nonsubstantive changes.

SECTION 39. Amends Section 508.149, Government Code, by adding Subsection (a-2) to prohibit an inmate serving a sentence for a felony offense committed while the inmate was civilly committed as a sexually violent predator under Chapter 481, Health and Safety Code, from being released to mandatory supervision.

SECTION 40. Amends Section 2155.144(b-1), Government Code, to provide that an agency to which Section 2155.144 (Procurements by Health and Human Services Agencies) applies, other than TCCO, is not delegated the authority to procure certain common commodities or services.

SECTION 41. 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 42. 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 43. 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 44. 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 45. 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 person, whether indigent or not, is responsible for the cost of repairs to or replacement of property belonging to this state, the civil commitment facility, or another civilly committed person, if the person 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 committed person or any other person, if the committed person 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 person 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 46. 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 47. 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. Authorizes TCCO to request, on behalf of 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 is immune from liability for good faith conduct), the assistance of the attorney general on any legal matter associated with a service performed under this chapter at the request of TCCO. Provides that TCCO or the person is not responsible for and prohibited from paying any costs associated with the assistance.

Sec. 841.149. RECOVERY OF COURT COSTS AND ATTORNEY'S FEES. (a) Provides that, in an action against a person described by Section 841.147(a)(4), the person is entitled to recover court costs and attorney's fees incurred in the action from the claimant if the person is found immune under that section.

(b) Authorizes a person to recover court costs and attorney's fees under Subsection (a) regardless of whether the person requests the assistance of the attorney general under Section 841.148.

SECTION 48. 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 49. Makes application of Sections 3.03, 3.04, 12.42, 21.08, 22.01, 22.012, 22.02, 22.07, 22.11, 38.11, and 38.115, Penal Code; Articles 42.08 and 42A.060, Code of Criminal Procedure; and Sections 508.145 and 508.149, Government Code, prospective.

SECTION 50. Provides that the change in law made by this Act to Article 12.01, Code of Criminal Procedure, does not apply to an offense if the prosecution of that offense becomes barred by limitation before the effective date of this Act. Provides that the prosecution of that offense remains barred as if this Act has not taken effect.

SECTION 51. Makes application of Articles 14.03, 14.06, and 15.17, Code of Criminal Procedure, and Chapter 17, Code of Criminal Procedure, prospective.

SECTION 52. Makes application of Chapter 62, Code of Criminal Procedure, prospective.

SECTION 53. (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 54. 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 55. Effective date: September 1, 2025.