

AN ACT

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; amending certain sex offender registration requirements; increasing criminal penalties.

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

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

(d) Except as provided by Subsection (c)(2), ~~or~~ (c)(4), or (e), if it is shown on the trial of a felony offense other than a state jail felony punishable under Section 12.35(a) that the defendant has previously been finally convicted of two felony offenses, and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final, on conviction the defendant shall be punished by imprisonment in the Texas Department of Criminal Justice for life, or for any term of not more than 99 years or less than 25 years. A previous conviction for a state jail felony punishable under Section 12.35(a) may not be used for enhancement purposes under this subsection.

(e) Notwithstanding Subsection (c) or (d), if it is shown on the trial of a felony offense other than a state jail felony

1 punishable under Section 12.35(a) that the defendant was civilly
2 committed as a sexually violent predator under Chapter 841, Health
3 and Safety Code, at the time of the offense, on conviction the
4 defendant shall be punished by imprisonment in the Texas Department
5 of Criminal Justice for life, or for any term of not more than 99
6 years or less than 25 years.

7 SECTION 2. Section 21.08(b), Penal Code, as amended by
8 Chapters 351 (S.B. 1179) and 822 (H.B. 1730), Acts of the 88th
9 Legislature, Regular Session, 2023, is reenacted and amended to
10 read as follows:

11 (b) An offense under this section is a Class B misdemeanor,
12 except that the offense is:

13 (1) a Class A misdemeanor if it is shown on the trial
14 of the offense that the defendant has been previously convicted one
15 time of an offense under this section; ~~and~~

16 (2) a state jail felony if it is shown on the trial of
17 the offense that the defendant has been previously convicted two or
18 more times of an offense under this section; or

19 (3) a felony of the third degree if the actor is
20 civilly committed as a sexually violent predator under Chapter 841,
21 Health and Safety Code.

22 SECTION 3. Section 22.01, Penal Code, is amended by adding
23 Subsection (d-1) to read as follows:

24 (d-1) The actor is presumed to have known the person
25 assaulted was a person described by Subsection (b-1)(2)(A) or (B),
26 as applicable, if the person was wearing a distinctive uniform or
27 badge indicating the person's status as an officer or employee of

1 the Texas Civil Commitment Office or a contractor or employee of a
2 contractor performing a service in a civil commitment facility.

3 SECTION 4. Section 22.012(b), Penal Code, is amended to
4 read as follows:

5 (b) An offense under this section is a Class A misdemeanor,
6 except that the offense is:

7 (1) a state jail felony if it is shown on the trial of
8 the offense that:

9 (A) the defendant has been previously convicted
10 of an offense under this section, other than an offense punishable
11 under Paragraph (B); or

12 (B) the defendant is a health care services
13 provider or a mental health services provider and the act is:

14 (i) committed during the course of
15 providing a treatment or service to the victim; and

16 (ii) beyond the scope of generally accepted
17 practices for the treatment or service; ~~or~~

18 (2) a felony of the third degree if it is shown on the
19 trial of the offense that the defendant has been previously
20 convicted of an offense under this section that is punishable under
21 Subdivision (1)(B); or

22 (3) a felony of the third degree if the offense is
23 committed by an actor who is committed to a civil commitment
24 facility, against:

25 (A) a person the actor knows is an officer or
26 employee of the Texas Civil Commitment Office:

27 (i) while the officer or employee is

1 lawfully discharging an official duty; or

2 (ii) in retaliation for or on account of an
3 exercise of official power or performance of an official duty by the
4 officer or employee; or

5 (B) a person the actor knows is contracting with
6 the state to perform a service in a civil commitment facility or an
7 employee of that person:

8 (i) while the person or employee is engaged
9 in performing a service within the scope of the contract; or

10 (ii) in retaliation for or on account of the
11 person's or employee's performance of a service within the scope of
12 the contract.

13 SECTION 5. Section 22.02, Penal Code, is amended by
14 amending Subsection (b) and adding Subsection (c-1) to read as
15 follows:

16 (b) An offense under this section is a felony of the second
17 degree, except that the offense is a felony of the first degree if:

18 (1) the actor uses a deadly weapon during the
19 commission of the assault and causes:

20 (A) serious bodily injury to a person whose
21 relationship to or association with the defendant is described by
22 Section 71.0021(b), 71.003, or 71.005, Family Code; or

23 (B) a traumatic brain or spine injury to another
24 that results in a persistent vegetative state or irreversible
25 paralysis;

26 (2) regardless of whether the offense is committed
27 under Subsection (a)(1) or (a)(2), the offense is committed:

1 (A) by a public servant acting under color of the
2 servant's office or employment;

3 (B) against a person the actor knows is a public
4 servant while the public servant is lawfully discharging an
5 official duty, or in retaliation or on account of an exercise of
6 official power or performance of an official duty as a public
7 servant;

8 (C) in retaliation against or on account of the
9 service of another as a witness, prospective witness, informant, or
10 person who has reported the occurrence of a crime;

11 (D) against a person the actor knows is a process
12 server while the person is performing a duty as a process server;
13 [~~or~~]

14 (E) against a person the actor knows is a
15 security officer while the officer is performing a duty as a
16 security officer; or

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

19 (i) a person the actor knows is an officer
20 or employee of the Texas Civil Commitment Office:

21 (a) while the officer or employee is
22 lawfully discharging an official duty; or

23 (b) in retaliation for or on account
24 of an exercise of official power or performance of an official duty
25 by the officer or employee; or

26 (ii) a person the actor knows is
27 contracting with the state to perform a service in a civil

1 commitment facility or an employee of that person:

2 (a) while the person or employee is
3 engaged in performing a service within the scope of the contract; or

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

7 (3) the actor is in a motor vehicle, as defined by
8 Section 501.002, Transportation Code, and:

9 (A) knowingly discharges a firearm at or in the
10 direction of a habitation, building, or vehicle;

11 (B) is reckless as to whether the habitation,
12 building, or vehicle is occupied; and

13 (C) in discharging the firearm, causes serious
14 bodily injury to any person; or

15 (4) the actor commits the assault as part of a mass
16 shooting.

17 (c-1) The actor is presumed to have known the person
18 assaulted was a person described by Subsection (b)(2)(F)(i) or
19 (ii), as applicable, if the person was wearing a distinctive
20 uniform or badge indicating the person's status as an officer or
21 employee of the Texas Civil Commitment Office or a contractor or
22 employee of a contractor performing a service in a civil commitment
23 facility.

24 SECTION 6. Section 22.11, Penal Code, is amended by
25 amending Subsection (a) and adding Subsections (f) and (g) to read
26 as follows:

27 (a) A person commits an offense if, with the intent to

1 assault, harass, annoy, [~~or~~] alarm, abuse, torment, or embarrass
2 the person:

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

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

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

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

16 (ii) in retaliation for or on account of an
17 exercise of official power or performance of an official duty by the
18 officer or employee; or

19 (B) a person who contracts with the state to
20 perform a service in the facility or an employee of that person to
21 contact the blood, seminal fluid, vaginal fluid, saliva, urine, or
22 feces of the actor, any other person, or an animal, or any other
23 fluid or liquid:

24 (i) while the person or employee is engaged
25 in performing a service within the scope of the contract, if the
26 actor knows the person or employee is authorized by the state to
27 provide the service; or

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

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

11 (f) For purposes of Subsection (a)(2), the actor is presumed
12 to have known the person was an officer or employee of the Texas
13 Civil Commitment Office or a person who contracts with the state to
14 perform a service in a civil commitment facility or an employee of
15 that person, as applicable, if the person was wearing a distinctive
16 uniform or badge indicating the person's status as an officer or
17 employee of the Texas Civil Commitment Office or a contractor or
18 employee of a contractor performing a service in a civil commitment
19 facility.

20 (g) It is not a defense to prosecution under Subsection (a)
21 that the actor warned any person that the actor intended to violate
22 Subsection (a).

23 SECTION 7. Section 36.06(b)(3), Penal Code, is amended to
24 read as follows:

25 (3) "Public servant" has the meaning assigned by
26 Section 1.07, except that the term also includes:

27 (A) an honorably retired peace officer; and

1 (B) a person who contracts with the state to
2 perform a service in a civil commitment facility or an employee of
3 that person.

4 SECTION 8. Article 13A.554, Code of Criminal Procedure, is
5 amended to read as follows:

6 Art. 13A.554. FELONY OFFENSE COMMITTED BY CIVILLY COMMITTED
7 [FAILURE TO COMPLY WITH] SEXUALLY VIOLENT PREDATOR [CIVIL
8 COMMITMENT REQUIREMENT]. A felony [An] offense committed by a
9 person civilly committed under Chapter 841 [~~Section 841.085~~],
10 Health and Safety Code, may be prosecuted in:

11 (1) any county in which an element of the offense
12 occurs; or

13 (2) the court that retains jurisdiction over the civil
14 commitment proceeding under Section 841.082, Health and Safety
15 Code.

16 SECTION 9. Article 14.03(a), Code of Criminal Procedure, is
17 amended to read as follows:

18 (a) Any peace officer may arrest, without warrant:

19 (1) persons found in suspicious places and under
20 circumstances which reasonably show that such persons have been
21 guilty of some felony, violation of Title 9, Chapter 42, Penal Code,
22 breach of the peace, or offense under Section 49.02, Penal Code, or
23 threaten, or are about to commit some offense against the laws;

24 (2) persons who the peace officer has probable cause
25 to believe have committed an assault resulting in bodily injury to
26 another person and the peace officer has probable cause to believe
27 that there is danger of further bodily injury to that person;

1 (3) persons who the peace officer has probable cause
2 to believe have committed an offense defined by Section 25.07,
3 Penal Code, if the offense is not committed in the presence of the
4 peace officer;

5 (4) persons who the peace officer has probable cause
6 to believe have committed an offense involving family violence;

7 (5) persons who the peace officer has probable cause
8 to believe have prevented or interfered with an individual's
9 ability to place a telephone call in an emergency, as defined by
10 Section 42.062(d), Penal Code, if the offense is not committed in
11 the presence of the peace officer; ~~or~~

12 (6) a person who makes a statement to the peace officer
13 that would be admissible against the person under Article 38.21 and
14 establishes probable cause to believe that the person has committed
15 a felony; or

16 (7) a person who the peace officer has probable cause
17 to believe has committed a felony offense while civilly committed
18 as a sexually violent predator under Chapter 841, Health and Safety
19 Code.

20 SECTION 10. Article 14.06(a), Code of Criminal Procedure,
21 is amended to read as follows:

22 (a) Except as otherwise provided by this article, in each
23 case enumerated in this Code, the person making the arrest or the
24 person having custody of the person arrested shall take the person
25 arrested or have him taken without unnecessary delay, but not later
26 than 48 hours after the person is arrested, before the magistrate
27 who may have ordered the arrest, before some magistrate of the

1 county where the arrest was made without an order, or, to provide
2 more expeditiously to the person arrested the warnings described by
3 Article 15.17 [~~of this Code~~], before a magistrate in any other
4 county of this state. The magistrate shall immediately perform the
5 duties described in Article 15.17 in any manner permitted by that
6 article [~~of this Code~~].

7 SECTION 11. Articles 15.17(a) and (b), Code of Criminal
8 Procedure, are amended to read as follows:

9 (a) In each case enumerated in this Code, the person making
10 the arrest or the person having custody of the person arrested shall
11 without unnecessary delay, but not later than 48 hours after the
12 person is arrested, take the person arrested or have him taken
13 before some magistrate of the county where the accused was arrested
14 or, to provide more expeditiously to the person arrested the
15 warnings described by this article, before a magistrate in any
16 other county of this state. The arrested person may be taken before
17 the magistrate in person or the image of the arrested person may be
18 presented to the magistrate by means of a videoconference. If the
19 arrested person is civilly committed as a sexually violent predator
20 under Chapter 841, Health and Safety Code, and residing at a civil
21 commitment facility as defined by Section 1.07, Penal Code, the
22 magistrate may also choose to perform the duties of this article at
23 the civil commitment facility. The magistrate shall inform in
24 clear language the person arrested, either in person or through a
25 videoconference, of the accusation against him and of any affidavit
26 filed therewith, of his right to retain counsel, of his right to
27 remain silent, of his right to have an attorney present during any

1 interview with peace officers or attorneys representing the state,
2 of his right to terminate the interview at any time, and of his
3 right to have an examining trial. The magistrate shall also inform
4 the person arrested of the person's right to request the
5 appointment of counsel if the person cannot afford counsel. The
6 magistrate shall inform the person arrested of the procedures for
7 requesting appointment of counsel. If applicable, the magistrate
8 shall inform the person that the person may file the affidavit
9 described by Article 17.028(f). If the person does not speak and
10 understand the English language or is deaf, the magistrate shall
11 inform the person in a manner consistent with Articles 38.30 and
12 38.31, as appropriate. The magistrate shall ensure that reasonable
13 assistance in completing the necessary forms for requesting
14 appointment of counsel is provided to the person at the same time.
15 If the person arrested is indigent and requests appointment of
16 counsel and if the magistrate is authorized under Article 26.04 to
17 appoint counsel for indigent defendants in the county, the
18 magistrate shall appoint counsel in accordance with Article 1.051.
19 If the magistrate is not authorized to appoint counsel, the
20 magistrate shall without unnecessary delay, but not later than 24
21 hours after the person arrested requests appointment of counsel,
22 transmit, or cause to be transmitted to the court or to the courts'
23 designee authorized under Article 26.04 to appoint counsel in the
24 county, the forms requesting the appointment of counsel. The
25 magistrate shall also inform the person arrested that he is not
26 required to make a statement and that any statement made by him may
27 be used against him. The magistrate shall allow the person arrested

1 reasonable time and opportunity to consult counsel and shall, after
2 determining whether the person is currently on bail for a separate
3 criminal offense and whether the bail decision is subject to
4 Article 17.027, admit the person arrested to bail if allowed by law.
5 A record of the communication between the arrested person and the
6 magistrate shall be made. The record shall be preserved until the
7 earlier of the following dates: (1) the date on which the pretrial
8 hearing ends; or (2) the 91st day after the date on which the record
9 is made if the person is charged with a misdemeanor or the 120th day
10 after the date on which the record is made if the person is charged
11 with a felony. For purposes of this subsection, "videoconference"
12 means a two-way electronic communication of image and sound between
13 the arrested person and the magistrate and includes secure Internet
14 videoconferencing.

15 (b) After an accused charged with a misdemeanor punishable
16 by fine only is taken before a magistrate under Subsection (a) and
17 the magistrate has identified the accused with certainty, the
18 magistrate may release the accused without bond and order the
19 accused to appear at a later date for arraignment in the applicable
20 justice court or municipal court. The order must state in writing
21 the time, date, and place of the arraignment, and the magistrate
22 must sign the order. The accused shall receive a copy of the order
23 on release. If an accused fails to appear as required by the order,
24 the judge of the court in which the accused is required to appear
25 shall issue a warrant for the arrest of the accused. If the accused
26 is arrested and brought before the judge, the judge may admit the
27 accused to bail, and in admitting the accused to bail, the judge

1 should set as the amount of bail an amount double that generally set
2 for the offense for which the accused was arrested. This subsection
3 does not apply to an accused who:

4 (1) has previously been convicted of a felony or a
5 misdemeanor other than a misdemeanor punishable by fine only; or

6 (2) is civilly committed as a sexually violent
7 predator under Chapter 841, Health and Safety Code, at the time of
8 the offense.

9 SECTION 12. Article 17.091, Code of Criminal Procedure, is
10 amended to read as follows:

11 Art. 17.091. NOTICE OF CERTAIN BAIL REDUCTIONS REQUIRED.
12 Before a judge or magistrate reduces the amount of bail set for a
13 defendant charged with an offense listed in Article 42A.054 or an
14 offense described by Article 62.001(5), or any felony offense
15 committed while the defendant is civilly committed as a sexually
16 violent predator under Chapter 841, Health and Safety Code, the
17 judge or magistrate shall provide:

18 (1) to the attorney representing the state, reasonable
19 notice of the proposed bail reduction; and

20 (2) on request of the attorney representing the state
21 or the defendant or the defendant's counsel, an opportunity for a
22 hearing concerning the proposed bail reduction.

23 SECTION 13. Section 2, Article 17.151, Code of Criminal
24 Procedure, is amended to read as follows:

25 Sec. 2. The provisions of this article do not apply to a
26 defendant who is:

27 (1) serving a sentence of imprisonment for another

1 offense while the defendant is serving that sentence;

2 (2) being detained pending trial of another accusation
3 against the defendant as to which the applicable period has not yet
4 elapsed;

5 (3) incompetent to stand trial, during the period of
6 the defendant's incompetence; ~~[or]~~

7 (4) being detained for a violation of the conditions
8 of a previous release related to the safety of a victim of the
9 alleged offense or to the safety of the community under this
10 article; or

11 (5) civilly committed as a sexually violent predator
12 under Chapter 841, Health and Safety Code.

13 SECTION 14. Chapter 17, Code of Criminal Procedure, is
14 amended by adding Article 17.411 to read as follows:

15 Art. 17.411. CONDITIONS FOR CIVILLY COMMITTED SEXUALLY
16 VIOLENT PREDATORS. (a) In this article, "civil commitment
17 facility" has the meaning assigned by Section 1.07, Penal Code.

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

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

25 (d) A magistrate shall impose as a condition of bond that
26 the defendant:

27 (1) not commit a new offense while released on bond;

1 and

2 (2) comply with the defendant's civil commitment order
3 for purposes of ensuring a safe environment at the civil commitment
4 facility.

5 (e) At a hearing limited to determining whether the
6 defendant violated a condition of bond imposed under this article,
7 the magistrate shall revoke the defendant's bond and order that the
8 defendant be immediately returned to custody if the magistrate
9 finds by a preponderance of the evidence that the violation
10 occurred. Once the defendant is placed in custody, the revocation
11 of the defendant's bond discharges the sureties on the bond, if any,
12 from any future liability on the bond. A discharge under this
13 subsection from any future liability on the bond does not discharge
14 any surety from liability for previous forfeitures on the bond.

15 SECTION 15. Article 42.08, Code of Criminal Procedure, is
16 amended by amending Subsection (a) and adding Subsection (d) to
17 read as follows:

18 (a) When the same defendant has been convicted in two or
19 more cases, judgment and sentence shall be pronounced in each case
20 in the same manner as if there had been but one conviction. Except
21 as provided by Subsections (b), ~~and~~ (c), and (d), in the
22 discretion of the court, the judgment in the second and subsequent
23 convictions may either be that the sentence imposed or suspended
24 shall begin when the judgment and the sentence imposed or suspended
25 in the preceding conviction has ceased to operate, or that the
26 sentence imposed or suspended shall run concurrently with the other
27 case or cases, and sentence and execution shall be accordingly;

provided, however, that the cumulative total of suspended sentences in felony cases shall not exceed 10 years, and the cumulative total of suspended sentences in misdemeanor cases shall not exceed the maximum period of confinement in jail applicable to the misdemeanor offenses, though in no event more than three years, including extensions of periods of community supervision under Article 42A.752(a)(2), if none of the offenses are offenses under Chapter 49, Penal Code, or four years, including extensions, if any of the offenses are offenses under Chapter 49, Penal Code.

(d) 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, the court shall order the sentences for those offenses to run consecutively.

SECTION 16. Article 62.001(5), Code of Criminal Procedure, is amended to read as follows:

(5) "Reportable conviction or adjudication" means a conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, that, regardless of the pendency of an appeal, is a conviction for or an adjudication for or based on:

(A) a violation of Section 21.02 (Continuous sexual abuse of young child or disabled individual), 21.09 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited sexual conduct), Penal Code;

(B) a violation of Section 43.04 (Aggravated

1 promotion of prostitution), 43.05 (Compelling prostitution), 43.25
2 (Sexual performance by a child), or 43.26 (Possession or promotion
3 of child pornography), Penal Code;

4 (B-1) a violation of Section 43.021
5 (Solicitation of Prostitution), Penal Code, if the offense is
6 punishable as a felony of the second degree;

7 (C) a violation of Section 20.04(a)(4)
8 (Aggravated kidnapping), Penal Code, if the actor committed the
9 offense or engaged in the conduct with intent to violate or abuse
10 the victim sexually;

11 (D) a violation of Section 30.02 (Burglary),
12 Penal Code, if the offense or conduct is punishable under
13 Subsection (d) of that section and the actor committed the offense
14 or engaged in the conduct with intent to commit a felony listed in
15 Paragraph (A) or (C);

16 (E) a violation of Section 20.02 (Unlawful
17 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
18 Penal Code, if, as applicable:

19 (i) the judgment in the case contains an
20 affirmative finding under Article 42.015; or

21 (ii) the order in the hearing or the papers
22 in the case contain an affirmative finding that the victim or
23 intended victim was younger than 17 years of age;

24 (F) the second violation of Section 21.08
25 (Indecent exposure), Penal Code, but not if the second violation
26 results in a deferred adjudication;

27 (G) an attempt, conspiracy, or solicitation, as

defined by Chapter 15, Penal Code, to commit an offense or engage in conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

(H) a violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E), (G), (J), (K), or (L), but not if the violation results in a deferred adjudication;

(I) the second violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of the offense of indecent exposure, but not if the second violation results in a deferred adjudication;

(J) a violation of Section 33.021 (Online solicitation of a minor), Penal Code;

(K) a violation of Section 20A.02(a)(3), (4), (7), or (8) (Trafficking of persons), Penal Code; ~~or~~

(L) a violation of Section 20A.03 (Continuous trafficking of persons), Penal Code, if the offense is based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(3), (4), (7), or (8) of that code; or

(M) a violation of any law of this state for which the person has been civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code.

SECTION 17. Article 62.008, Code of Criminal Procedure, is

amended to read as follows:

Art. 62.008. GENERAL IMMUNITY. The following persons are immune from liability for good faith conduct under this chapter:

(1) an employee or officer of the Texas Department of Criminal Justice, the Texas Juvenile Justice Department, the Department of Public Safety, the Board of Pardons and Paroles, the Texas Civil Commitment Office, or a local law enforcement authority;

(2) an employee or officer of a community supervision and corrections department or a juvenile probation department;

(3) a member of the judiciary; and

(4) a member of the risk assessment review committee established under Article 62.007.

SECTION 18. Article 62.058, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) This subsection applies to a [A] person subject to registration under this chapter who has for a sexually violent offense been convicted two or more times, received an order of deferred adjudication two or more times, or been convicted and received an order of deferred adjudication and to 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. A person to whom this subsection applies shall report to the local law enforcement authority designated as the person's primary registration authority by the department not less than once in each 90-day period following the date the person

1 first registered under this chapter to verify the information in
 2 the registration form maintained by the authority for that person.
 3 ~~[A person subject to registration under this chapter who is not~~
 4 ~~subject to the 90-day reporting requirement described by this~~
 5 ~~subsection shall report to the local law enforcement authority~~
 6 ~~designated as the person's primary registration authority by the~~
 7 ~~department once each year not earlier than the 30th day before and~~
 8 ~~not later than the 30th day after the anniversary of the person's~~
 9 ~~date of birth to verify the information in the registration form~~
 10 ~~maintained by the authority for that person.]~~ For purposes of this
 11 subsection, a person complies with a requirement that the person
 12 register within a 90-day period following a date if the person
 13 registers at any time on or after the 83rd day following that date
 14 but before the 98th day after that date.

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

23 SECTION 19. Article [62.063](#)(b), Code of Criminal Procedure,
 24 is amended to read as follows:

25 (b) A person subject to registration under this chapter
 26 because of a reportable conviction or adjudication for which an
 27 affirmative finding is entered under Article [42.015](#)(b) or

1 42A.105(a), as appropriate, or a person civilly committed as a
2 sexually violent predator under Chapter 841, Health and Safety
3 Code, may not, for compensation:

4 (1) operate or offer to operate a bus;

5 (2) provide or offer to provide a passenger taxicab or
6 limousine transportation service;

7 (3) provide or offer to provide any type of service in
8 the residence of another person unless the provision of service
9 will be supervised; ~~or~~

10 (4) operate or offer to operate any amusement ride;

11 (5) provide or offer to provide a service at a
12 SAFE-ready facility, as defined by Section 323.001, Health and
13 Safety Code, or another facility that provides forensic medical
14 examinations to sexual assault survivors in accordance with Chapter
15 323, Health and Safety Code;

16 (6) provide or offer to provide a service at a sexual
17 assault program, as defined by Section 420.003, Government Code;

18 (7) provide or offer to provide a service at a family
19 violence center, as defined by Section 51.002, Human Resources
20 Code;

21 (8) provide or offer to provide a service at any public
22 or private primary or secondary school; or

23 (9) provide or offer to provide any coaching,
24 tutoring, or mentoring service to a person younger than 18 years of
25 age.

26 SECTION 20. Articles 62.101(a) and (b), Code of Criminal
27 Procedure, are amended to read as follows:

1 (a) Except as provided by Subsection (b) and Subchapter I,
2 the duty to register for a person ends when the person dies if the
3 person has a reportable conviction or adjudication, other than an
4 adjudication of delinquent conduct, for:

5 (1) a sexually violent offense;

6 (2) an offense under Section 20A.02(a)(3), (4), (7),
7 or (8), 25.02, 43.05(a)(2) or (3), or 43.26, Penal Code;

8 (3) an offense under Section 20A.03, Penal Code, if
9 based partly or wholly on conduct that constitutes an offense under
10 Section 20A.02(a)(3), (4), (7), or (8) of that code;

11 (4) an offense under Section 21.11(a)(2), Penal Code,
12 if before or after the person is convicted or adjudicated for the
13 offense under Section 21.11(a)(2), Penal Code, the person receives
14 or has received another reportable conviction or adjudication,
15 other than an adjudication of delinquent conduct, for an offense or
16 conduct that requires registration under this chapter;

17 (5) an offense under Section 20.02, 20.03, or 20.04,
18 Penal Code, if:

19 (A) the judgment in the case contains an
20 affirmative finding under Article 42.015 or, for a deferred
21 adjudication, the papers in the case contain an affirmative finding
22 that the victim or intended victim was younger than 17 years of age;
23 and

24 (B) before or after the person is convicted or
25 adjudicated for the offense under Section 20.02, 20.03, or 20.04,
26 Penal Code, the person receives or has received another reportable
27 conviction or adjudication, other than an adjudication of

delinquent conduct, for an offense or conduct that requires registration under this chapter; ~~[or]~~

(6) an offense under Section 43.23, Penal Code, that is punishable under Subsection (h) of that section; or

(7) an offense for which the person has been civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code.

(b) Except as provided by Subchapter I, the duty to register for a person otherwise subject to Subsection (a) ends on the 10th anniversary of the date on which the person is released from civil commitment as a sexually violent predator under Chapter 841, Health and Safety Code, the date on which the person is released from a penal institution or discharges community supervision, or the date on which the court dismisses the criminal proceedings against the person and discharges the person, 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, Family Code.

SECTION 21. Article 66.102, Code of Criminal Procedure, is amended by adding Subsection (j) to read as follows:

(j) In addition to the information described by this article, information in the computerized criminal history system must include any civil commitment order issued under Chapter 841, Health and Safety Code.

SECTION 22. Section 14A.056, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 14A.056. CONDUCT OF PROCEEDINGS ~~[HEARING]~~. (a) In

this section, "remote proceeding" means a proceeding in which one or more of the participants, including a judge, civilly committed individual, party, attorney, witness, court reporter, or other individual, attends the proceeding remotely through the use of technology and the Internet, including through video communications technology.

(b) The court may, without the consent of the civilly committed individual or of the parties, hold a proceeding ~~[hearing]~~ under this chapter at a facility operated by or under contract with the office or ~~[may]~~ conduct a remote proceeding using ~~[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) [(b)] A remote proceeding ~~[hearing]~~ conducted under this section ~~[by video communications technology]~~ shall be recorded on videotape or by other electronic means. The recording is sufficient to serve as a permanent record of the proceeding ~~[hearing]~~.

SECTION 23. Section 41.302, Government Code, is amended to read as follows:

Sec. 41.302. GENERAL FUNCTION OF SPECIAL PROSECUTION UNIT. The special prosecution unit is an independent unit that:

- (1) cooperates with and supports prosecuting attorneys in prosecuting offenses and delinquent conduct described by Article 104.003(a), Code of Criminal Procedure; and
- (2) prosecutes offenses described by Section 41.311.

SECTION 24. Subchapter E, Chapter 41, Government Code, is

1 amended by adding Section 41.311 to read as follows:

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

10 SECTION 25. Section 411.1389, Government Code, is amended
11 by adding Subsection (d) to read as follows:

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

15 (1) is civilly committed as a sexually violent
16 predator under Chapter 841, Health and Safety Code; or

17 (2) was previously civilly committed as a sexually
18 violent predator under Chapter 841, Health and Safety Code, and
19 subsequently released by a court order.

20 SECTION 26. Section 420A.013(a), Government Code, is
21 amended to read as follows:

22 (a) The office may adopt and implement policies that
23 encourage family unity during a civilly committed sex offender's
24 commitment. In adopting the policies, the office may consider the
25 impact of a telephone, mail, and ~~[in-person]~~ visitation policy on a
26 family member's ability to provide support to the offender through
27 ongoing, appropriate contact with the offender while the offender

1 participates in the treatment and supervision program.

2 SECTION 27. Section 2155.144, Government Code, is amended
3 by adding Subsection (b-3) to read as follows:

4 (b-3) Notwithstanding any other law, the Texas Civil
5 Commitment Office is delegated the authority to procure common
6 commodities or services described by Subsection (b-1)(1) for office
7 use if the total cost of the purchase is less than the total cost of
8 the purchase under the comptroller's purchasing authority or as
9 offered for sale as provided by Chapter 122, Human Resources Code.
10 The Texas Civil Commitment Office, in collaboration with the
11 comptroller, shall identify best practices for comparing the total
12 costs and documenting cost savings.

13 SECTION 28. Section 841.003(b), Health and Safety Code, is
14 amended to read as follows:

15 (b) A person is a repeat sexually violent offender for the
16 purposes of this chapter if the person is convicted of more than one
17 sexually violent offense and a sentence is imposed for at least one
18 of the offenses, or if the person is convicted of an offense under
19 Section 21.02, Penal Code, and a sentence is imposed for the
20 offense, or if:

21 (1) the person:

22 (A) is convicted of a sexually violent offense,
23 regardless of whether the sentence for the offense was ever imposed
24 or whether the sentence was probated and the person was
25 subsequently discharged from community supervision;

26 (B) enters a plea of guilty or nolo contendere
27 for a sexually violent offense in return for a grant of deferred

1 adjudication; or

2 (C) is adjudicated by a juvenile court as having
3 engaged in delinquent conduct constituting a sexually violent
4 offense and is committed to the Texas Juvenile Justice Department
5 under Section 54.04(d)(3) or (m), Family Code; and

6 (2) after the date on which under Subdivision (1) the
7 person is convicted, receives a grant of deferred adjudication, or
8 is adjudicated by a juvenile court as having engaged in delinquent
9 conduct, the person commits a sexually violent offense for which
10 the person is convicted, but only if the sentence for the offense is
11 imposed.

12 SECTION 29. Section 841.021(d), Health and Safety Code, is
13 amended to read as follows:

14 (d) The Texas Department of Criminal Justice may not provide
15 notice under Subsection (a) of the anticipated release of a person
16 for whom the department has previously provided notice under this
17 section and who has been previously recommended for an assessment
18 under Section 841.022 unless, after the recommendation for
19 assessment was made:

20 (1) the person is convicted of a new sexually violent
21 offense; or

22 (2) the person's parole or mandatory supervision is
23 revoked based on:

24 (A) the commission of a new sexually violent
25 offense;

26 (B) failure to adhere to the requirements of sex
27 offender treatment or ~~and~~ supervision; or

1 (C) failure to register as a sex offender.

2 SECTION 30. Section 841.022, Health and Safety Code, is
3 amended by adding Subsection (d) to read as follows:

4 (d) Records of the multidisciplinary team are confidential
5 and not subject to disclosure under Chapter 552, Government Code.

6 SECTION 31. Section 841.083(d), Health and Safety Code, is
7 amended to read as follows:

8 (d) The office shall enter into appropriate contracts for
9 the provision of any necessary supervised housing and other related
10 services and may enter into appropriate contracts for medical and
11 mental health services and sex offender treatment. The term of a
12 contract under this subsection may not exceed 10 years. The
13 contract may provide for an unlimited number of renewals each for an
14 additional term not to exceed 10 years. This subsection prevails to
15 the extent of a conflict between this subsection and any other law.

16 SECTION 32. Section 841.0835, Health and Safety Code, is
17 amended by adding Subsection (d) to read as follows:

18 (d) The committing court shall order the payment of
19 reasonable compensation to persons performing a duty or providing a
20 service under this section. The compensation paid shall be assessed
21 as court costs. The Health and Human Services Commission shall pay
22 all court costs associated with this subsection.

23 SECTION 33. Section 841.084, Health and Safety Code, is
24 amended by adding Subsections (a-1) and (a-2) to read as follows:

25 (a-1) A civilly committed sex offender, whether indigent or
26 not, is responsible for the cost of:

27 (1) repairs to or replacement of property belonging to

1 this state, a contractor of this state or the agent of the
2 contractor, the civil commitment facility, or another civilly
3 committed sex offender, if the offender intentionally, knowingly,
4 recklessly, or negligently caused damage to or the loss of the
5 property; and

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

10 (a-2) A civilly committed sex offender shall pay to the
11 office, at the office's direction, any amount for which the
12 offender is responsible under Subsection (a-1), as determined by
13 the office.

14 SECTION 34. Section 841.147, Health and Safety Code, is
15 amended to read as follows:

16 Sec. 841.147. IMMUNITY. (a) The following persons are
17 immune from liability for good faith conduct under this chapter:

18 (1) an employee or officer of the Texas Department of
19 Criminal Justice or the office;

20 (2) a member of the multidisciplinary team established
21 under Section 841.022;

22 (3) the applicable attorney representing the state and
23 an employee of the attorney; and

24 (4) a person providing, or contracting, appointed, or
25 volunteering to perform, a [~~tracking service or another~~] service
26 under this chapter, at the request of the office.

27 (b) A court shall immediately dismiss any action asserting a

claim against a person described by Subsection (a) that arose from the person's good faith conduct.

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

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

Sec. 841.148. ATTORNEY GENERAL REPRESENTATION. (a) The attorney general shall defend any person described by Section 841.147(a)(4) in an action if:

(1) the office requests that the attorney general defend the person; and

(2) the action arises from a service performed under this chapter at the request of the office.

(b) The office or the person is not responsible for and may not pay any costs associated with the assistance.

Sec. 841.149. RECOVERY OF COURT COSTS AND ATTORNEY'S FEES.

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

1 section.

2 SECTION 36. Sections 14A.001(1) and 14A.054(f), Civil
3 Practice and Remedies Code, as added by Chapter 203 (S.B. 1180),
4 Acts of the 88th Legislature, Regular Session, 2023, are repealed.

5 SECTION 37. The changes in law made by this Act in amending
6 Sections 12.42, 21.08, 22.01, 22.012, 22.02, 22.11, and 36.06,
7 Penal Code, and in amending Article 42.08, Code of Criminal
8 Procedure, apply only to an offense committed on or after the
9 effective date of this Act. An offense committed before the
10 effective date of this Act is governed by the law in effect on the
11 date the offense was committed, and the former law is continued in
12 effect for that purpose. For purposes of this section, an offense
13 was committed before the effective date of this Act if any element
14 of the offense was committed before that date.

15 SECTION 38. The changes in law made by this Act to Articles
16 14.03, 14.06, and 15.17, Code of Criminal Procedure, and to Chapter
17 17, Code of Criminal Procedure, apply only to a person who is
18 arrested on or after the effective date of this Act. A person
19 arrested before the effective date of this Act is governed by the
20 law in effect on the date the person was arrested, and the former
21 law is continued in effect for that purpose.

22 SECTION 39. The changes in law made by this Act to Chapter
23 62, Code of Criminal Procedure, apply to any person who, on or after
24 the effective date of this Act, is required to register under that
25 chapter, regardless of whether the offense or conduct for which the
26 person is required to register occurs before, on, or after the
27 effective date of this Act.

1 SECTION 40. As soon as practicable after the effective date
2 of this Act, the Department of Public Safety of the State of Texas
3 shall input information in the computerized criminal history system
4 as required by Article 66.102(j), Code of Criminal Procedure, as
5 added by this Act, for any person who was civilly committed under
6 Chapter 841, Health and Safety Code, before the effective date of
7 this Act.

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

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

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

25 SECTION 43. This Act takes effect September 1, 2025.

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>President of the Senate</div>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Speaker of the House</div>
---	--

I hereby certify that S.B. No. 1610 passed the Senate on April 7, 2025, by the following vote: Yeas 29, Nays 1; May 29, 2025, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2025, House granted request of the Senate; June 1, 2025, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 1610 passed the House, with amendments, on May 28, 2025, by the following vote: Yeas 99, Nays 30, one present not voting; May 30, 2025, House granted request of the Senate for appointment of Conference Committee; June 1, 2025, House adopted Conference Committee Report by the following vote: Yeas 121, Nays 16, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor