

By: Perry, et al.
(Cook, Harless)

S.B. No. 1610

A BILL TO BE ENTITLED

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. Section 38.11, Penal Code, is amended by
5 amending Subsection (a) and adding Subsection (1) to read as
6 follows:

7 (a) A person commits an offense if the person provides, or
8 possesses with the intent to provide:

9 (1) an alcoholic beverage, controlled substance, or
10 dangerous drug to a person in the custody of a correctional facility
11 or residing in a civil commitment facility, except on the
12 prescription of a practitioner;

13 (2) a deadly weapon to a person in the custody of a
14 correctional facility or residing in a civil commitment facility;

15 (3) a cellular telephone or other wireless
16 communications device or a component of one of those devices to a
17 person in the custody of a correctional facility;

18 (4) money to a person confined in a correctional
19 facility; ~~or~~

20 (5) a cigarette or tobacco product to a person
21 confined in a correctional facility, except that if the facility is
22 a local jail regulated by the Commission on Jail Standards, the
23 person commits an offense only if providing the cigarette or
24 tobacco product violates a rule or regulation adopted by the
25 sheriff or jail administrator that:

26 (A) prohibits the possession of a cigarette or
27 tobacco product by a person confined in the jail; or

(B) places restrictions on:

(i) the possession of a cigarette or tobacco product by a person confined in the jail; or

(ii) the manner in which a cigarette or tobacco product may be provided to a person confined in the jail; or

(6) a cigarette, e-cigarette, nicotine product, or tobacco product to a person residing in a civil commitment facility.

(1) A person commits an offense if the person, while residing in a civil commitment facility:

(1) possesses a cigarette, e-cigarette, nicotine product, or tobacco product; or

(2) manufactures an alcoholic beverage.

SECTION 9. Section 38.11(f), Penal Code, is amended by adding Subdivisions (7) and (8) to read as follows:

(7) "E-cigarette" has the meaning assigned by Section 161.081, Health and Safety Code.

(8) "Nicotine product" means a product that contains nicotine from any source, regardless of whether the product is a tobacco product.

SECTION 10. Article 13A.554, Code of Criminal Procedure, is amended to read as follows:

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

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

3 (2) the court that retains jurisdiction over the civil
4 commitment proceeding under Section 841.082, Health and Safety
5 Code.

6 SECTION 11. Article 14.03(a), Code of Criminal Procedure,
7 is amended to read as follows:

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

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

14 (2) persons who the peace officer has probable cause
15 to believe have committed an assault resulting in bodily injury to
16 another person and the peace officer has probable cause to believe
17 that there is danger of further bodily injury to that person;

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

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

24 (5) persons who the peace officer has probable cause
25 to believe have prevented or interfered with an individual's
26 ability to place a telephone call in an emergency, as defined by
27 Section 42.062(d), Penal Code, if the offense is not committed in

1 the presence of the peace officer; ~~[or]~~

2 (6) a person who makes a statement to the peace officer
3 that would be admissible against the person under Article 38.21 and
4 establishes probable cause to believe that the person has committed
5 a felony; or

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

10 SECTION 12. Article 14.06(a), Code of Criminal Procedure,
11 is amended to read as follows:

12 (a) Except as otherwise provided by this article, in each
13 case enumerated in this Code, the person making the arrest or the
14 person having custody of the person arrested shall take the person
15 arrested or have him taken without unnecessary delay, but not later
16 than 48 hours after the person is arrested, before the magistrate
17 who may have ordered the arrest, before some magistrate of the
18 county where the arrest was made without an order, or, to provide
19 more expeditiously to the person arrested the warnings described by
20 Article 15.17 ~~[of this Code]~~, before a magistrate in any other
21 county of this state. The magistrate shall immediately perform the
22 duties described in Article 15.17 in any manner permitted by that
23 article ~~[of this Code]~~.

24 SECTION 13. Articles 15.17(a) and (b), Code of Criminal
25 Procedure, are amended to read as follows:

26 (a) In each case enumerated in this Code, the person making
27 the arrest or the person having custody of the person arrested shall

1 without unnecessary delay, but not later than 48 hours after the
 2 person is arrested, take the person arrested or have him taken
 3 before some magistrate of the county where the accused was arrested
 4 or, to provide more expeditiously to the person arrested the
 5 warnings described by this article, before a magistrate in any
 6 other county of this state. The arrested person may be taken before
 7 the magistrate in person or the image of the arrested person may be
 8 presented to the magistrate by means of a videoconference. If the
 9 arrested person is civilly committed as a sexually violent predator
 10 under Chapter 841, Health and Safety Code, and residing at a civil
 11 commitment facility as defined by Section 1.07, Penal Code, the
 12 magistrate may also choose to perform the duties of this article at
 13 the civil commitment facility. The magistrate shall inform in
 14 clear language the person arrested, either in person or through a
 15 videoconference, of the accusation against him and of any affidavit
 16 filed therewith, of his right to retain counsel, of his right to
 17 remain silent, of his right to have an attorney present during any
 18 interview with peace officers or attorneys representing the state,
 19 of his right to terminate the interview at any time, and of his
 20 right to have an examining trial. The magistrate shall also inform
 21 the person arrested of the person's right to request the
 22 appointment of counsel if the person cannot afford counsel. The
 23 magistrate shall inform the person arrested of the procedures for
 24 requesting appointment of counsel. If applicable, the magistrate
 25 shall inform the person that the person may file the affidavit
 26 described by Article 17.028(f). If the person does not speak and
 27 understand the English language or is deaf, the magistrate shall

1 inform the person in a manner consistent with Articles 38.30 and
2 38.31, as appropriate. The magistrate shall ensure that reasonable
3 assistance in completing the necessary forms for requesting
4 appointment of counsel is provided to the person at the same time.
5 If the person arrested is indigent and requests appointment of
6 counsel and if the magistrate is authorized under Article 26.04 to
7 appoint counsel for indigent defendants in the county, the
8 magistrate shall appoint counsel in accordance with Article 1.051.
9 If the magistrate is not authorized to appoint counsel, the
10 magistrate shall without unnecessary delay, but not later than 24
11 hours after the person arrested requests appointment of counsel,
12 transmit, or cause to be transmitted to the court or to the courts'
13 designee authorized under Article 26.04 to appoint counsel in the
14 county, the forms requesting the appointment of counsel. The
15 magistrate shall also inform the person arrested that he is not
16 required to make a statement and that any statement made by him may
17 be used against him. The magistrate shall allow the person arrested
18 reasonable time and opportunity to consult counsel and shall, after
19 determining whether the person is currently on bail for a separate
20 criminal offense and whether the bail decision is subject to
21 Article 17.027, admit the person arrested to bail if allowed by law.
22 A record of the communication between the arrested person and the
23 magistrate shall be made. The record shall be preserved until the
24 earlier of the following dates: (1) the date on which the pretrial
25 hearing ends; or (2) the 91st day after the date on which the record
26 is made if the person is charged with a misdemeanor or the 120th day
27 after the date on which the record is made if the person is charged

1 with a felony. For purposes of this subsection, "videoconference"
2 means a two-way electronic communication of image and sound between
3 the arrested person and the magistrate and includes secure Internet
4 videoconferencing.

5 (b) After an accused charged with a misdemeanor punishable
6 by fine only is taken before a magistrate under Subsection (a) and
7 the magistrate has identified the accused with certainty, the
8 magistrate may release the accused without bond and order the
9 accused to appear at a later date for arraignment in the applicable
10 justice court or municipal court. The order must state in writing
11 the time, date, and place of the arraignment, and the magistrate
12 must sign the order. The accused shall receive a copy of the order
13 on release. If an accused fails to appear as required by the order,
14 the judge of the court in which the accused is required to appear
15 shall issue a warrant for the arrest of the accused. If the accused
16 is arrested and brought before the judge, the judge may admit the
17 accused to bail, and in admitting the accused to bail, the judge
18 should set as the amount of bail an amount double that generally set
19 for the offense for which the accused was arrested. This subsection
20 does not apply to an accused who:

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

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

26 SECTION 14. Article 17.091, Code of Criminal Procedure, is
27 amended to read as follows:

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

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

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

13 SECTION 15. Section 2, Article 17.151, Code of Criminal
14 Procedure, is amended to read as follows:

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

17 (1) serving a sentence of imprisonment for another
18 offense while the defendant is serving that sentence;

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

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

24 (4) being detained for a violation of the conditions
25 of a previous release related to the safety of a victim of the
26 alleged offense or to the safety of the community under this
27 article; or

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

3 SECTION 16. Chapter 17, Code of Criminal Procedure, is
4 amended by adding Article 17.411 to read as follows:

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

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

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

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

17 (1) not commit a new offense while released on bond;
18 and

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

22 (e) At a hearing limited to determining whether the
23 defendant violated a condition of bond imposed under this article,
24 the magistrate shall revoke the defendant's bond and order that the
25 defendant be immediately returned to custody if the magistrate
26 finds by a preponderance of the evidence that the violation
27 occurred. Once the defendant is placed in custody, the revocation

1 of the defendant's bond discharges the sureties on the bond, if any,
2 from any future liability on the bond. A discharge under this
3 subsection from any future liability on the bond does not discharge
4 any surety from liability for previous forfeitures on the bond.

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

8 (a) When the same defendant has been convicted in two or
9 more cases, judgment and sentence shall be pronounced in each case
10 in the same manner as if there had been but one conviction. Except
11 as provided by Subsections (b), ~~[and]~~ (c), and (d), in the
12 discretion of the court, the judgment in the second and subsequent
13 convictions may either be that the sentence imposed or suspended
14 shall begin when the judgment and the sentence imposed or suspended
15 in the preceding conviction has ceased to operate, or that the
16 sentence imposed or suspended shall run concurrently with the other
17 case or cases, and sentence and execution shall be accordingly;
18 provided, however, that the cumulative total of suspended sentences
19 in felony cases shall not exceed 10 years, and the cumulative total
20 of suspended sentences in misdemeanor cases shall not exceed the
21 maximum period of confinement in jail applicable to the misdemeanor
22 offenses, though in no event more than three years, including
23 extensions of periods of community supervision under Article
24 42A.752(a)(2), if none of the offenses are offenses under Chapter
25 49, Penal Code, or four years, including extensions, if any of the
26 offenses are offenses under Chapter 49, Penal Code.

27 (d) If a defendant has been convicted in two or more cases

1 and was civilly committed as a sexually violent predator under
2 Chapter 841, Health and Safety Code, at the time that any of the
3 offenses were committed, the court shall order the sentences for
4 those offenses to run consecutively.

5 SECTION 18. Article 62.001(5), Code of Criminal Procedure,
6 is amended to read as follows:

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

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

17 (B) a violation of Section 43.04 (Aggravated
18 promotion of prostitution), 43.05 (Compelling prostitution), 43.25
19 (Sexual performance by a child), or 43.26 (Possession or promotion
20 of child pornography), Penal Code;

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

24 (C) a violation of Section 20.04(a)(4)
25 (Aggravated kidnapping), Penal Code, if the actor committed the
26 offense or engaged in the conduct with intent to violate or abuse
27 the victim sexually;

1 (D) a violation of Section 30.02 (Burglary),
2 Penal Code, if the offense or conduct is punishable under
3 Subsection (d) of that section and the actor committed the offense
4 or engaged in the conduct with intent to commit a felony listed in
5 Paragraph (A) or (C);

6 (E) a violation of Section 20.02 (Unlawful
7 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
8 Penal Code, if, as applicable:

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

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

14 (F) the second violation of Section 21.08
15 (Indecent exposure), Penal Code, but not if the second violation
16 results in a deferred adjudication;

17 (G) an attempt, conspiracy, or solicitation, as
18 defined by Chapter 15, Penal Code, to commit an offense or engage in
19 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), or (L);

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

27 (I) the second violation of the laws of another

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

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

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

10 (L) a violation of Section 20A.03 (Continuous
11 trafficking of persons), Penal Code, if the offense is based partly
12 or wholly on conduct that constitutes an offense under Section
13 20A.02(a)(3), (4), (7), or (8) of that code; or

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

17 SECTION 19. Article 62.008, Code of Criminal Procedure, is
18 amended to read as follows:

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

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

26 (2) an employee or officer of a community supervision
27 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 20. 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 first registered under this chapter to verify the information in the registration form maintained by the authority for that person.
~~[A person subject to registration under this chapter who is not subject to the 90-day reporting requirement described by this subsection shall report to the local law enforcement authority designated as the person's primary registration authority by the department 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.]~~ For purposes of this

subsection, a person complies with a requirement that the person register within a 90-day period following a date if the person registers at any time on or after the 83rd day following that date but before the 98th day after that date.

(a-1) A person subject to registration under this chapter who is not subject to the 90-day reporting requirement described by this article shall report to the local law enforcement authority designated as the person's primary registration authority by the department 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 21. Article 62.063(b), Code of Criminal Procedure, is amended to read as follows:

(b) A person subject to registration under this chapter because of a reportable conviction or adjudication for which an affirmative finding is entered under Article 42.015(b) or 42A.105(a), as appropriate, or a person civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, may not, for compensation:

(1) operate or offer to operate a bus;

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

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

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

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

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

8 (7) provide or offer to provide a service at a family
9 violence center, as defined by Section 51.002, Human Resources
10 Code;

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

13 (9) provide or offer to provide any coaching,
14 tutoring, or mentoring service to a person younger than 18 years of
15 age.

16 SECTION 22. Articles 62.101(a) and (b), Code of Criminal
17 Procedure, are amended to read as follows:

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

22 (1) a sexually violent offense;

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

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

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

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

9 (A) the judgment in the case contains an
10 affirmative finding under Article 42.015 or, for a deferred
11 adjudication, the papers in the case contain an affirmative finding
12 that the victim or intended victim was younger than 17 years of age;
13 and

14 (B) before or after the person is convicted or
15 adjudicated for the offense under Section 20.02, 20.03, or 20.04,
16 Penal Code, the person receives or has received another reportable
17 conviction or adjudication, other than an adjudication of
18 delinquent conduct, for an offense or conduct that requires
19 registration under this chapter; ~~or~~

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

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

25 (b) Except as provided by Subchapter I, the duty to register
26 for a person otherwise subject to Subsection (a) ends on the 10th
27 anniversary of the date on which the person is released from civil

1 commitment as a sexually violent predator under Chapter 841, Health
2 and Safety Code, the date on which the person is released from a
3 penal institution or discharges community supervision, or the date
4 on which the court dismisses the criminal proceedings against the
5 person and discharges the person, whichever date is later, if the
6 person's duty to register is based on a conviction or an order of
7 deferred adjudication in a cause that was transferred to a district
8 court or criminal district court under Section 54.02, Family Code.

9 SECTION 23. Article 66.102, Code of Criminal Procedure, is
10 amended by adding Subsection (j) to read as follows:

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

15 SECTION 24. Section 14A.056, Civil Practice and Remedies
16 Code, is amended to read as follows:

17 Sec. 14A.056. CONDUCT OF PROCEEDINGS ~~[HEARING]~~. (a) In
18 this section, "remote proceeding" means a proceeding in which one
19 or more of the participants, including a judge, civilly committed
20 individual, party, attorney, witness, court reporter, or other
21 individual, attends the proceeding remotely through the use of
22 technology and the Internet, including through video
23 communications technology.

24 (b) The court may, without the consent of the civilly
25 committed individual or of the parties, hold a proceeding ~~[hearing]~~
26 under this chapter at a facility operated by or under contract with
27 the office or ~~[may]~~ conduct a remote proceeding using ~~[the hearing]~~

1 ~~with video communications~~] technology that permits the court to see
2 and hear the civilly committed individual and that permits the
3 individual to see and hear the court and any other witness.

4 (c) ~~[(b)]~~ A remote proceeding ~~[hearing]~~ conducted under
5 this section ~~[by video communications technology]~~ shall be recorded
6 on videotape or by other electronic means. The recording is
7 sufficient to serve as a permanent record of the proceeding
8 ~~[hearing]~~.

9 SECTION 25. Section [41.302](#), Government Code, is amended to
10 read as follows:

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

13 (1) cooperates with and supports prosecuting
14 attorneys in prosecuting offenses and delinquent conduct described
15 by Article [104.003](#)(a), Code of Criminal Procedure; and

16 (2) prosecutes offenses described by Section 41.311.

17 SECTION 26. Subchapter [E](#), Chapter [41](#), Government Code, is
18 amended by adding Section 41.311 to read as follows:

19 Sec. 41.311. PROSECUTION OF CERTAIN OFFENSES. A
20 prosecuting attorney serving on the unit has the same authority to
21 represent this state in the prosecution of a criminal offense
22 committed by a person civilly committed as a sexually violent
23 predator under Chapter [841](#), Health and Safety Code, including an
24 offense under Section [841.085](#), Health and Safety Code, as is
25 conferred on a county attorney, district attorney, or criminal
26 district attorney of a court with jurisdiction of the offense.

27 SECTION 27. Section [411.1389](#), Government Code, is amended

by adding Subsection (d) to read as follows:

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

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

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

SECTION 28. Section 420A.013(a), Government Code, is amended to read as follows:

(a) The office may adopt and implement policies that encourage family unity during a civilly committed sex offender's commitment. In adopting the policies, the office may consider the impact of a telephone, mail, and ~~[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 29. Section 2155.144, Government Code, is amended by amending Subsection (b-1) and adding Subsection (b-3) to read as follows:

(b-1) An agency to which this section applies, other than the Texas Civil Commitment Office, is not delegated the authority to procure common commodities or services:

(1) including goods and services acquired for direct consumption or use by the agency in the day-to-day support of the agency's administrative operations, such as office supplies and

1 equipment, building maintenance and cleaning services, or
2 temporary employment services; and

3 (2) not including consulting services, professional
4 services, health care services, information resources technology,
5 goods or services acquired for the benefit or on behalf of clients
6 of programs operated by the agency, procurements specifically
7 authorized or delegated to the agency by statute, or the
8 contracting out of agency purchasing functions or other
9 administrative or program functions.

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

19 SECTION 30. Section 841.003(b), Health and Safety Code, is
20 amended to read as follows:

21 (b) A person is a repeat sexually violent offender for the
22 purposes of this chapter if the person is convicted of more than one
23 sexually violent offense and a sentence is imposed for at least one
24 of the offenses, or if the person is convicted of an offense under
25 Section 21.02, Penal Code, and a sentence is imposed for the
26 offense, or if:

27 (1) the person:

1 (A) is convicted of a sexually violent offense,
2 regardless of whether the sentence for the offense was ever imposed
3 or whether the sentence was probated and the person was
4 subsequently discharged from community supervision;

5 (B) enters a plea of guilty or nolo contendere
6 for a sexually violent offense in return for a grant of deferred
7 adjudication; or

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

12 (2) after the date on which under Subdivision (1) the
13 person is convicted, receives a grant of deferred adjudication, or
14 is adjudicated by a juvenile court as having engaged in delinquent
15 conduct, the person commits a sexually violent offense for which
16 the person is convicted, but only if the sentence for the offense is
17 imposed.

18 SECTION 31. Section 841.021(d), Health and Safety Code, is
19 amended to read as follows:

20 (d) The Texas Department of Criminal Justice may not provide
21 notice under Subsection (a) of the anticipated release of a person
22 for whom the department has previously provided notice under this
23 section and who has been previously recommended for an assessment
24 under Section 841.022 unless, after the recommendation for
25 assessment was made:

26 (1) the person is convicted of a new sexually violent
27 offense; or

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

3 (A) the commission of a new sexually violent
4 offense;

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

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

8 SECTION 32. Section 841.022, Health and Safety Code, is
9 amended by adding Subsection (d) to read as follows:

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

12 SECTION 33. Section 841.083(d), Health and Safety Code, is
13 amended to read as follows:

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

22 SECTION 34. Section 841.0835, Health and Safety Code, is
23 amended by adding Subsection (d) to read as follows:

24 (d) The committing court shall order the payment of
25 reasonable compensation to persons performing a duty or providing a
26 service under this section. The compensation paid shall be assessed
27 as court costs. The Health and Human Services Commission shall pay

1 all court costs associated with this subsection.

2 SECTION 35. Section 841.084, Health and Safety Code, is
3 amended by adding Subsections (a-1) and (a-2) to read as follows:

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

6 (1) repairs to or replacement of property belonging to
7 this state, a contractor of this state or the agent of the
8 contractor, the civil commitment facility, or another civilly
9 committed sex offender, if the offender intentionally, knowingly,
10 recklessly, or negligently caused damage to or the loss of the
11 property; and

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

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

20 SECTION 36. Section 841.147, Health and Safety Code, is
21 amended to read as follows:

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

24 (1) an employee or officer of the Texas Department of
25 Criminal Justice or the office;

26 (2) a member of the multidisciplinary team established
27 under Section 841.022;

1 (3) the applicable attorney representing the state and
2 an employee of the attorney; and

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

6 (b) A court shall immediately dismiss any action asserting a
7 claim against a person described by Subsection (a) that arose from
8 the person's good faith conduct.

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

12 SECTION 37. Subchapter H, Chapter 841, Health and Safety
13 Code, is amended by adding Sections 841.148 and 841.149 to read as
14 follows:

15 Sec. 841.148. ATTORNEY GENERAL REPRESENTATION. (a) The
16 attorney general shall defend any person described by Section
17 841.147(a)(4) in an action if:

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

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

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

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

25 (a) In an action against a person described by Section
26 841.147(a)(4), the court shall award to the person court costs and
27 attorney's fees incurred in the action if the person is found immune

1 under that section and the person is not represented by the attorney
2 general.

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

8 SECTION 38. Sections 14A.001(1) and 14A.054(f), Civil
9 Practice and Remedies Code, as added by Chapter 203 (S.B. 1180),
10 Acts of the 88th Legislature, Regular Session, 2023, are repealed.

11 SECTION 39. The changes in law made by this Act in amending
12 Sections 12.42, 21.08, 22.01, 22.012, 22.02, 22.11, 36.06, and
13 38.11, Penal Code, and in amending Article 42.08, Code of Criminal
14 Procedure, apply only to an offense committed on or after the
15 effective date of this Act. An offense committed before the
16 effective date of this Act is governed by the law in effect on the
17 date the offense was committed, and the former law is continued in
18 effect for that purpose. For purposes of this section, an offense
19 was committed before the effective date of this Act if any element
20 of the offense was committed before that date.

21 SECTION 40. The changes in law made by this Act to Articles
22 14.03, 14.06, and 15.17, Code of Criminal Procedure, and to Chapter
23 17, Code of Criminal Procedure, apply only to a person who is
24 arrested on or after the effective date of this Act. A person
25 arrested before the effective date of this Act is governed by the
26 law in effect on the date the person was arrested, and the former
27 law is continued in effect for that purpose.

1 SECTION 41. The changes in law made by this Act to Chapter
2 62, Code of Criminal Procedure, apply to any person who, on or after
3 the effective date of this Act, is required to register under that
4 chapter, regardless of whether the offense or conduct for which the
5 person is required to register occurs before, on, or after the
6 effective date of this Act.

7 SECTION 42. As soon as practicable after the effective date
8 of this Act, the Department of Public Safety of the State of Texas
9 shall input information in the computerized criminal history system
10 as required by Article 66.102(j), Code of Criminal Procedure, as
11 added by this Act, for any person who was civilly committed under
12 Chapter 841, Health and Safety Code, before the effective date of
13 this Act.

14 SECTION 43. (a) Except as otherwise provided by this
15 section, the changes in law made by this Act to Chapter 841, Health
16 and Safety Code, apply to a civil commitment proceeding under that
17 chapter that is initiated on or after the effective date of this
18 Act, regardless of when the applicable petition for civil
19 commitment was filed.

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

27 SECTION 44. To the extent of any conflict, this Act prevails

S.B. No. 1610

1 over another Act of the 89th Legislature, Regular Session, 2025,
2 relating to nonsubstantive additions to and corrections in enacted
3 codes.

4 SECTION 45. This Act takes effect September 1, 2025.