

By: Perry, Flores

S.B. No. 1610

A BILL TO BE ENTITLED

AN ACT

1
2 relating to sexually violent predators, to the Texas Civil
3 Commitment Office, and to the prosecution of the offense of
4 harassment by sexually violent predators and other persons confined
5 in certain facilities; amending and harmonizing certain statute of
6 limitations provisions; amending certain sex offender registration
7 requirements; changing the eligibility for community supervision,
8 parole, and mandatory supervision for sexually violent predators;
9 creating a criminal offense; increasing criminal penalties.

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

11 SECTION 1. Section 3.03, Penal Code, is amended by adding
12 Subsection (f) to read as follows:

13 (f) Notwithstanding any other law, if the accused is found
14 guilty in a single criminal action of more than one offense arising
15 from the same criminal episode or if a plea agreement is reached in
16 a case in which the accused was charged with more than one offense
17 arising out of the same criminal episode, the sentences shall run
18 consecutively if the accused was civilly committed as a sexually
19 violent predator under Chapter 841, Health and Safety Code, at the
20 time that any of the offenses were committed, regardless of whether
21 the accused is convicted of or charged with violations of the same
22 section more than once or is convicted of or charged with violations
23 of more than one section.

24 SECTION 2. Section 3.04, Penal Code, is amended by amending

1 Subsection (b) and adding Subsection (b-1) to read as follows:

2 (b) Except as provided by Subsection (b-1), in [In] the
3 event of severance under this section, the provisions of Section
4 3.03 do not apply, and the court in its discretion may order the
5 sentences to run either concurrently or consecutively.

6 (b-1) In the event of severance under this section, the
7 provisions of Section 3.03(f) apply, and the court shall order the
8 sentences to run consecutively as provided by that subsection.

9 SECTION 3. Section 12.42, Penal Code, is amended by
10 amending Subsection (d) and adding Subsection (e) to read as
11 follows:

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

24 (e) Notwithstanding Subsection (c) or (d), if it is shown on
25 the trial of a felony offense other than a state jail felony
26 punishable under Section 12.35(a) that the defendant was civilly
27 committed as a sexually violent predator under Chapter 841, Health

1 and Safety Code, at the time of the offense, on conviction the
2 defendant shall be punished by imprisonment in the Texas Department
3 of Criminal Justice for life.

4 SECTION 4. Section 21.08(b), Penal Code, as amended by
5 Chapters 351 (S.B. 1179) and 822 (H.B. 1730), Acts of the 88th
6 Legislature, Regular Session, 2023, is reenacted and amended to
7 read as follows:

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

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

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

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

19 SECTION 5. Section 22.01, Penal Code, is amended by adding
20 Subsection (d-1) to read as follows:

21 (d-1) The actor is presumed to have known the person
22 assaulted was a person described by Subsection (b-1)(2)(A) or (B),
23 as applicable, if the person was wearing a distinctive uniform or
24 badge indicating the person's status as an officer or employee of
25 the Texas Civil Commitment Office or a contractor or employee of a
26 contractor performing a service in a civil commitment facility.

27 SECTION 6. Section 22.012(b), Penal Code, is amended to

1 read as follows:

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

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

6 (A) the defendant has been previously convicted
7 of an offense under this section, other than an offense punishable
8 under Paragraph (B); or

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

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

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

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

19 (3) a felony of the third degree if it is shown on the
20 trial of the offense that the defendant was civilly committed as a
21 sexually violent predator under Chapter 841, Health and Safety
22 Code, at the time of the offense.

23 SECTION 7. Section 22.02, Penal Code, is amended by
24 amending Subsection (b) and adding Subsection (c-1) to read as
25 follows:

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

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

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

6 (B) a traumatic brain or spine injury to another
7 that results in a persistent vegetative state or irreversible
8 paralysis;

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

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

13 (B) against a person the actor knows is a public
14 servant while the public servant is lawfully discharging an
15 official duty, or in retaliation or on account of an exercise of
16 official power or performance of an official duty as a public
17 servant;

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

21 (D) against a person the actor knows is a process
22 server while the person is performing a duty as a process server;
23 ~~[or]~~

24 (E) against a person the actor knows is a
25 security officer while the officer is performing a duty as a
26 security officer; or

27 (F) by an actor who is committed to a civil

1 commitment facility, against:

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

4 (a) while the officer or employee is
5 lawfully discharging an official duty; or

6 (b) in retaliation for or on account
7 of an exercise of official power or performance of an official duty
8 by the officer or employee; or

9 (ii) a person the actor knows is
10 contracting with the state to perform a service in a civil
11 commitment facility or an employee of that person:

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

14 (b) in retaliation for or on account
15 of the person's or employee's performance of a service within the
16 scope of the contract;

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

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

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

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

25 (4) the actor commits the assault as part of a mass
26 shooting.

27 (c-1) The actor is presumed to have known the person

1 assaulted was a person described by Subsection (b)(2)(F)(i) or
2 (ii), as applicable, if the person was wearing a distinctive
3 uniform or badge indicating the person's status as an officer or
4 employee of the Texas Civil Commitment Office or a contractor or
5 employee of a contractor performing a service in a civil commitment
6 facility.

7 SECTION 8. Section 22.07, Penal Code, is amended by
8 amending Subsections (c) and (c-1) and adding Subsection (f-1) to
9 read as follows:

10 (c) An offense under Subsection (a)(2) is a Class B
11 misdemeanor, except that the offense is:

12 (1) a Class A misdemeanor if the offense:

13 (A) [~~(1)~~] is committed against a member of the
14 person's family or household or otherwise constitutes family
15 violence; or

16 (B) [~~(2)~~] is committed against a public servant;
17 or

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

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

22 (B) against:

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

25 (a) while the officer or employee is
26 lawfully discharging an official duty; or

27 (b) in retaliation for or on account

1 of an exercise of official power or performance of an official duty
2 by the officer or employee; or

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

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

8 (b) in retaliation for or on account
9 of the person's or employee's performance of a service within the
10 scope of the contract.

11 (c-1) Notwithstanding Subsection (c)(1)(B) [~~(c)(2)~~], an
12 offense under Subsection (a)(2) is a state jail felony if the
13 offense is committed against a person the actor knows is a peace
14 officer or judge.

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

22 SECTION 9. Section [22.11](#), Penal Code, is amended by
23 amending Subsection (a) and adding Subsections (f) and (g) to read
24 as follows:

25 (a) A person commits an offense if, with the intent to
26 assault, harass, annoy, [~~or~~] alarm, abuse, torment, or embarrass
27 the person:

1 (1) while imprisoned or confined in a correctional or
2 detention facility:

3 (A) ~~causes~~ causes another person to contact the blood,
4 seminal fluid, vaginal fluid, saliva, urine, or feces of the actor,
5 any other person, or an animal; or

6 (B) disperses, sprays, spits, smears, or throws a
7 substance described by Paragraph (A) in a correctional or detention
8 facility in a manner that could cause:

9 (i) another person to contact the
10 substance; or

11 (ii) an officer or employee of the
12 correctional or detention facility to clean up the substance;

13 (2) while committed to a civil commitment facility~~causes~~
14 ~~causes~~]:

15 (A) causes an officer or employee of the Texas
16 Civil Commitment Office to contact the blood, seminal fluid,
17 vaginal fluid, saliva, urine, or feces of the actor, any other
18 person, or an animal:

19 (i) while the officer or employee is
20 lawfully discharging an official duty at a civil commitment
21 facility; or

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

25 (B) disperses, sprays, spits, smears, or throws a
26 substance described by Paragraph (A) in a civil commitment facility
27 in a manner that could cause an officer or employee of the Texas

1 Civil Commitment Office to contact the substance or clean up the
2 substance:

3 (i) while the officer or employee is
4 lawfully discharging an official duty at a civil commitment
5 facility; or

6 (ii) in retaliation for or on account of an
7 exercise of official power or performance of an official duty by the
8 officer or employee;

9 (C) causes a person who contracts with the state
10 to perform a service in the facility or an employee of that person
11 to contact the blood, seminal fluid, vaginal fluid, saliva, urine,
12 or feces of the actor, any other person, or an animal:

13 (i) while the person or employee is engaged
14 in performing a service within the scope of the contract, if the
15 actor knows the person or employee is authorized by the state to
16 provide the service; or

17 (ii) in retaliation for or on account of the
18 person's or employee's performance of a service within the scope of
19 the contract; or

20 (D) disperses, sprays, spits, smears, or throws a
21 substance described by Paragraph (A) in a civil commitment facility
22 in a manner that could cause a person who contracts with the state
23 to perform a service in the facility or an employee of that person
24 to contact the substance or clean up the substance:

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

1 provide the service; or

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

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

23 SECTION 10. Section 38.11, Penal Code, is amended by
24 amending Subsection (a) and adding Subsection (1) to read as
25 follows:

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

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

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

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

10 (4) money to a person confined in a correctional
11 facility; ~~or~~

12 (5) a cigarette or tobacco product to a person
13 confined in a correctional facility, except that if the facility is
14 a local jail regulated by the Commission on Jail Standards, the
15 person commits an offense only if providing the cigarette or
16 tobacco product violates a rule or regulation adopted by the
17 sheriff or jail administrator that:

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

20 (B) places restrictions on:

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

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

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

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

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

5 (2) manufactures an alcoholic beverage.

6 SECTION 11. Section 38.11(f), Penal Code, is amended by
7 adding Subdivisions (7) and (8) to read as follows:

8 (7) "E-cigarette" has the meaning assigned by Section
9 161.081, Health and Safety Code.

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

13 SECTION 12. The heading to Section 38.115, Penal Code, is
14 amended to read as follows:

15 Sec. 38.115. OPERATION OF UNMANNED AIRCRAFT OVER
16 CORRECTIONAL FACILITY, ~~[OR]~~ DETENTION FACILITY, OR CIVIL
17 COMMITMENT FACILITY.

18 SECTION 13. Section 38.115(a)(1), Penal Code, is amended to
19 read as follows:

20 (1) "Contraband" means any item not provided by or
21 authorized by the operator of a correctional facility, ~~[or]~~
22 detention facility, or civil commitment facility.

23 SECTION 14. Sections 38.115(b), (c), and (d), Penal Code,
24 are amended to read as follows:

25 (b) A person commits an offense if the person intentionally
26 or knowingly:

27 (1) operates an unmanned aircraft over a correctional

1 facility, ~~[or]~~ detention facility, or civil commitment facility and
2 the unmanned aircraft is not higher than 400 feet above ground
3 level;

4 (2) allows an unmanned aircraft to make contact with a
5 correctional facility, ~~[or]~~ detention facility, or civil
6 commitment facility, including any person or object on the premises
7 of or within the facility; or

8 (3) allows an unmanned aircraft to come within a
9 distance of a correctional facility, ~~[or]~~ detention facility, or
10 civil commitment facility that is close enough to interfere with
11 the operations of or cause a disturbance to the facility.

12 (c) This section does not apply to conduct described by
13 Subsection (b) that is committed by:

14 (1) the federal government, this state, or a
15 governmental entity;

16 (2) a person under contract with or otherwise acting
17 under the direction or on behalf of the federal government, this
18 state, or a governmental entity;

19 (3) a person who has the prior written consent of the
20 owner or operator of the correctional facility, ~~[or]~~ detention
21 facility, or civil commitment facility;

22 (4) a law enforcement agency; or

23 (5) a person under contract with or otherwise acting
24 under the direction or on behalf of a law enforcement agency.

25 (d) An offense under this section is a Class B misdemeanor,
26 except that the offense is:

27 (1) a Class A misdemeanor if the actor has previously

1 been convicted under this section; or

2 (2) a state jail felony if, during the commission of
3 the offense, the actor used the unmanned aircraft to:

4 (A) provide contraband to a person in the custody
5 of the correctional facility, ~~[or]~~ detention facility, or civil
6 commitment facility; or

7 (B) otherwise introduce contraband into the
8 correctional facility, ~~[or]~~ detention facility, or civil
9 commitment facility.

10 SECTION 15. Article [12.01](#), Code of Criminal Procedure, as
11 amended by Chapters 93 (S.B. 1527), 118 (H.B. 467), 127 (H.B. 1207),
12 422 (H.B. 1769), 520 (H.B. 3025), 689 (H.B. 1506), 704 (H.B. 2019),
13 709 (H.B. 2190), 768 (H.B. 4595), 830 (H.B. 2187), 885 (H.B. 4635),
14 and 1041 (S.B. 129), Acts of the 88th Legislature, Regular Session,
15 2023, is reenacted and amended to read as follows:

16 Art. 12.01. FELONIES. Except as provided in Articles
17 12.015 and [12.03](#), felony indictments may be presented within these
18 limits, and not afterward:

19 (1) no limitation:

20 (A) murder and manslaughter;

21 (B) sexual assault under Section [22.011](#)(a)(2),
22 Penal Code, or aggravated sexual assault under Section
23 [22.021](#)(a)(1)(B), Penal Code;

24 (C) sexual assault, if:

25 (i) during the investigation of the offense
26 biological matter is collected and the matter:

27 (a) has not yet been subjected to

1 forensic DNA testing; or

2 (b) has been subjected to forensic DNA
3 testing and the testing results show that the matter does not match
4 the victim or any other person whose identity is readily
5 ascertained; or

6 (ii) probable cause exists to believe that
7 the defendant has committed the same or a similar sex offense
8 against five or more victims;

9 (D) continuous sexual abuse of young child or
10 disabled individual under Section 21.02, Penal Code;

11 (E) indecency with a child under Section 21.11,
12 Penal Code;

13 (F) an offense involving leaving the scene of a
14 collision under Section 550.021, Transportation Code, if the
15 collision resulted in the death of a person;

16 (G) trafficking of persons under Section
17 20A.02(a)(7) or (8), Penal Code;

18 (H) continuous trafficking of persons under
19 Section 20A.03, Penal Code;

20 (I) compelling prostitution under Section
21 43.05(a)(2) or (3), Penal Code; ~~or~~

22 (J) tampering with physical evidence under
23 Section 37.09(a)(1) or (d)(1), Penal Code, if:

24 (i) the evidence tampered with is a human
25 corpse, as defined by that section; or

26 (ii) the investigation of the offense shows
27 that a reasonable person in the position of the defendant at the

1 time of the commission of the offense would have cause to believe
2 that the evidence tampered with is related to a criminal homicide
3 under Chapter 19, Penal Code;

4 (K) [~~(J)~~] interference with child custody under
5 Section 25.03(a)(3), Penal Code;

6 (L) [~~(J)~~] burglary under Section 30.02, Penal
7 Code, if:

8 (i) the offense is punishable under
9 Subsection (d) of that section because the defendant entered a
10 habitation with the intent to commit an offense under Section
11 22.011 or 22.021, Penal Code; and

12 (ii) during the investigation of the
13 offense biological matter is collected and the matter:

14 (a) has not yet been subjected to
15 forensic DNA testing; or

16 (b) has been subjected to forensic DNA
17 testing and the testing results show that the matter does not match
18 the victim or any other person whose identity is readily
19 ascertained; or

20 (M) any felony offense if, at the time the
21 offense is committed, the person was civilly committed as a
22 sexually violent predator under Chapter 841, Health and Safety
23 Code;

24 (2) ten years from the date of the commission of the
25 offense:

26 (A) theft of any estate, real, personal or mixed,
27 by an executor, administrator, guardian or trustee, with intent to

1 defraud any creditor, heir, legatee, ward, distributee,
2 beneficiary or settlor of a trust interested in such estate;

3 (B) theft by a public servant of government
4 property over which the public servant exercises control in the
5 public servant's official capacity;

6 (C) forgery or the uttering, using, or passing of
7 forged instruments;

8 (D) injury to an elderly or disabled individual
9 punishable as a felony of the first degree under Section 22.04,
10 Penal Code;

11 (E) sexual assault, except as provided by
12 Subdivision (1) or (9) [~~(8)~~];

13 (F) arson;

14 (G) trafficking of persons under Section
15 20A.02(a)(1), (2), (3), or (4), Penal Code; or

16 (H) compelling prostitution under Section
17 43.05(a)(1), Penal Code;

18 (3) seven years from the date of the commission of the
19 offense:

20 (A) misapplication of fiduciary property or
21 property of a financial institution;

22 (B) fraudulent securing of document execution;

23 (C) a felony violation under Chapter 162, Tax
24 Code;

25 (D) false statement to obtain property or credit
26 under Section 32.32, Penal Code;

27 (E) money laundering;

- 1 (F) credit card or debit card abuse under Section
2 [32.31](#), Penal Code;
- 3 (G) fraudulent use or possession of identifying
4 information under Section [32.51](#), Penal Code;
- 5 (H) exploitation of a child, elderly individual,
6 or disabled individual under Section [32.53](#), Penal Code;
- 7 (I) health care fraud under Section [35A.02](#), Penal
8 Code;
- 9 (J) bigamy under Section [25.01](#), Penal Code,
10 except as provided by Subdivision (7); or
- 11 (K) possession or promotion of child pornography
12 under Section [43.26](#), Penal Code;
- 13 (4) five years from the date of the commission of the
14 offense:
- 15 (A) theft or robbery;
- 16 (B) except as provided by Subdivision (5),
17 kidnapping;
- 18 (C) [~~(B-1)~~] except as provided by Subdivision
19 (1) or (5), burglary;
- 20 (D) [~~(C)~~] injury to an elderly or disabled
21 individual that is not punishable as a felony of the first degree
22 under Section [22.04](#), Penal Code;
- 23 (E) [~~(D)~~] abandoning or endangering an [~~a~~
24 ~~child,~~] elderly [~~individual,~~] or disabled individual;
- 25 (F) [~~(E)~~] insurance fraud;
- 26 (G) [~~(F)~~] assault under Section [22.01](#), Penal
27 Code, if the assault was committed against a person whose

1 relationship to or association with the defendant is described by
2 Section 71.0021(b), 71.003, or 71.005, Family Code;

3 (H) [~~(G)~~] continuous violence against the family
4 under Section 25.11, Penal Code; or

5 (I) [~~(H)~~] aggravated assault under Section
6 22.02, Penal Code;

7 (5) if the investigation of the offense shows that the
8 victim is younger than 17 years of age at the time the offense is
9 committed, 20 years from the 18th birthday of the victim of one of
10 the following offenses:

11 (A) kidnapping under Section 20.03, Penal Code,
12 or aggravated kidnapping under Section 20.04, Penal Code; or

13 (B) subject to Subdivision (1)(L) [~~(1)(J)~~],
14 burglary under Section 30.02, Penal Code, if the offense is
15 punishable under Subsection (d) of that section because the
16 defendant entered a habitation with the intent to commit an offense
17 described by Subdivision (1)(B) or (D) of this article or Paragraph
18 (A) of this subdivision;

19 (6) 20 years from the 18th birthday of the victim of
20 one of the following offenses:

21 (A) trafficking of a child [~~persons~~] under
22 Section 20A.02(a)(5) or (6), Penal Code; or

23 (B) sexual performance by a child under Section
24 43.25, Penal Code;

25 (7) ten years from the 18th birthday of the victim of
26 the offense:

27 (A) injury to a child under Section 22.04, Penal

1 Code;

2 (B) bigamy under Section 25.01, Penal Code, if
3 the investigation of the offense shows that the person, other than
4 the legal spouse of the defendant, whom the defendant marries or
5 purports to marry or with whom the defendant lives under the
6 appearance of being married is younger than 18 years of age at the
7 time the offense is committed; or

8 (C) [~~(D)~~] abandoning or endangering a child;

9 (8) [~~(7)~~] ten years from the date the offense was
10 discovered: trafficking of a disabled individual under Section
11 20A.02(a)(5) or (6), Penal Code;

12 (9) [~~(8)~~] two years from the date the offense was
13 discovered: sexual assault punishable as a state jail felony under
14 Section 22.011(f)(2), Penal Code; or

15 (10) [~~(9)~~] three years from the date of the commission
16 of the offense: all other felonies.

17 SECTION 16. Article 13A.554, Code of Criminal Procedure, is
18 amended to read as follows:

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

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

26 (2) the court that retains jurisdiction over the civil
27 commitment proceeding under Section 841.082, Health and Safety

1 Code.

2 SECTION 17. Article 14.03, Code of Criminal Procedure, is
3 amended by amending Subsection (a) and adding Subsection (b-1) to
4 read as follows:

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

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

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

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

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

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

26 (6) a person who makes a statement to the peace officer
27 that would be admissible against the person under Article 38.21 and

1 establishes probable cause to believe that the person has committed
2 a felony; or

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

7 (b-1) A peace officer shall arrest, without a warrant, a
8 person the peace officer has probable cause to believe has
9 committed a felony offense if:

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

12 (2) the offense is committed in the presence of the
13 peace officer or captured on a visual recording device.

14 SECTION 18. Article 14.06(a), Code of Criminal Procedure,
15 is amended to read as follows:

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

1 SECTION 19. Articles 15.17(a) and (b), Code of Criminal
2 Procedure, are amended to read as follows:

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

1 requesting appointment of counsel. If applicable, the magistrate
2 shall inform the person that the person may file the affidavit
3 described by Article 17.028(f). If the person does not speak and
4 understand the English language or is deaf, the magistrate shall
5 inform the person in a manner consistent with Articles 38.30 and
6 38.31, as appropriate. The magistrate shall ensure that reasonable
7 assistance in completing the necessary forms for requesting
8 appointment of counsel is provided to the person at the same time.
9 If the person arrested is indigent and requests appointment of
10 counsel and if the magistrate is authorized under Article 26.04 to
11 appoint counsel for indigent defendants in the county, the
12 magistrate shall appoint counsel in accordance with Article 1.051.
13 If the magistrate is not authorized to appoint counsel, the
14 magistrate shall without unnecessary delay, but not later than 24
15 hours after the person arrested requests appointment of counsel,
16 transmit, or cause to be transmitted to the court or to the courts'
17 designee authorized under Article 26.04 to appoint counsel in the
18 county, the forms requesting the appointment of counsel. The
19 magistrate shall also inform the person arrested that he is not
20 required to make a statement and that any statement made by him may
21 be used against him. The magistrate shall allow the person arrested
22 reasonable time and opportunity to consult counsel and shall, after
23 determining whether the person is currently on bail for a separate
24 criminal offense and whether the bail decision is subject to
25 Article 17.027, admit the person arrested to bail if allowed by law.
26 A record of the communication between the arrested person and the
27 magistrate shall be made. The record shall be preserved until the

1 earlier of the following dates: (1) the date on which the pretrial
2 hearing ends; or (2) the 91st day after the date on which the record
3 is made if the person is charged with a misdemeanor or the 120th day
4 after the date on which the record is made if the person is charged
5 with a felony. For purposes of this subsection, "videoconference"
6 means a two-way electronic communication of image and sound between
7 the arrested person and the magistrate and includes secure Internet
8 videoconferencing.

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

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

27 (2) is civilly committed as a sexually violent

1 predator under Chapter 841, Health and Safety Code, at the time of
2 the offense.

3 SECTION 20. Article 17.091, Code of Criminal Procedure, is
4 amended to read as follows:

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

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

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

17 SECTION 21. Section 2, Article 17.151, Code of Criminal
18 Procedure, is amended to read as follows:

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

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

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

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

1 (4) being detained for a violation of the conditions
2 of a previous release related to the safety of a victim of the
3 alleged offense or to the safety of the community under this
4 article; or

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

7 SECTION 22. Chapter 17, Code of Criminal Procedure, is
8 amended by adding Article 17.411 to read as follows:

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

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

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

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

21 (1) not commit a new offense while released on bond;
22 and

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

26 (e) At a hearing limited to determining whether the
27 defendant violated a condition of bond imposed under this article,

1 the magistrate may revoke the defendant's bond only if the
2 magistrate finds by a preponderance of the evidence that the
3 violation occurred. If the magistrate finds that the violation
4 occurred, the magistrate shall revoke the defendant's bond and
5 order that the defendant be immediately returned to custody. Once
6 the defendant is placed in custody, the revocation of the
7 defendant's bond discharges the sureties on the bond, if any, from
8 any future liability on the bond. A discharge under this subsection
9 from any future liability on the bond does not discharge any surety
10 from liability for previous forfeitures on the bond.

11 SECTION 23. Article 42.08, Code of Criminal Procedure, is
12 amended by amending Subsection (a) and adding Subsection (d) to
13 read as follows:

14 (a) When the same defendant has been convicted in two or
15 more cases, judgment and sentence shall be pronounced in each case
16 in the same manner as if there had been but one conviction. Except
17 as provided by Subsections (b), ~~[and]~~ (c), and (d), in the
18 discretion of the court, the judgment in the second and subsequent
19 convictions may either be that the sentence imposed or suspended
20 shall begin when the judgment and the sentence imposed or suspended
21 in the preceding conviction has ceased to operate, or that the
22 sentence imposed or suspended shall run concurrently with the other
23 case or cases, and sentence and execution shall be accordingly;
24 provided, however, that the cumulative total of suspended sentences
25 in felony cases shall not exceed 10 years, and the cumulative total
26 of suspended sentences in misdemeanor cases shall not exceed the
27 maximum period of confinement in jail applicable to the misdemeanor

1 offenses, though in no event more than three years, including
2 extensions of periods of community supervision under Article
3 [42A.752\(a\)\(2\)](#), if none of the offenses are offenses under Chapter
4 [49](#), Penal Code, or four years, including extensions, if any of the
5 offenses are offenses under Chapter [49](#), Penal Code.

6 (d) If a defendant has been convicted in two or more cases
7 and was civilly committed as a sexually violent predator under
8 Chapter [841](#), Health and Safety Code, at the time that any of the
9 offenses were committed, the court shall order the sentences for
10 those offenses to run consecutively.

11 SECTION 24. Subchapter [B](#), Chapter [42A](#), Code of Criminal
12 Procedure, is amended by adding Article 42A.060 to read as follows:

13 Art. 42A.060. PLACEMENT ON COMMUNITY SUPERVISION
14 PROHIBITED FOR CERTAIN OFFENSES INVOLVING SEXUALLY VIOLENT
15 PREDATORS. Notwithstanding any other provision of this chapter, a
16 defendant is not eligible for community supervision, including
17 deferred adjudication community supervision, under this chapter if
18 the defendant is charged with or convicted of a felony offense and
19 at the time of the offense was civilly committed as a sexually
20 violent predator under Chapter [841](#), Health and Safety Code.

21 SECTION 25. Article [62.001\(5\)](#), Code of Criminal Procedure,
22 is amended to read as follows:

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

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

6 (B) a violation of Section 43.04 (Aggravated
7 promotion of prostitution), 43.05 (Compelling prostitution), 43.25
8 (Sexual performance by a child), or 43.26 (Possession or promotion
9 of child pornography), Penal Code;

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

13 (C) a violation of Section 20.04(a)(4)
14 (Aggravated kidnapping), Penal Code, if the actor committed the
15 offense or engaged in the conduct with intent to violate or abuse
16 the victim sexually;

17 (D) a violation of Section 30.02 (Burglary),
18 Penal Code, if the offense or conduct is punishable under
19 Subsection (d) of that section and the actor committed the offense
20 or engaged in the conduct with intent to commit a felony listed in
21 Paragraph (A) or (C);

22 (E) a violation of Section 20.02 (Unlawful
23 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
24 Penal Code, if, as applicable:

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

27 (ii) the order in the hearing or the papers

1 in the case contain an affirmative finding that the victim or
2 intended victim was younger than 17 years of age;

3 (F) the second violation of Section 21.08
4 (Indecent exposure), Penal Code, but not if the second violation
5 results in a deferred adjudication;

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

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

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

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

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

26 (L) a violation of Section 20A.03 (Continuous
27 trafficking of persons), Penal Code, if the offense is based partly

1 or wholly on conduct that constitutes an offense under Section
2 [20A.02](#)(a)(3), (4), (7), or (8) of that code; or

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

6 SECTION 26. Article [62.008](#), Code of Criminal Procedure, is
7 amended to read as follows:

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

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

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

17 (3) a member of the judiciary; and

18 (4) a member of the risk assessment review committee
19 established under Article [62.007](#).

20 SECTION 27. Article [62.058](#), Code of Criminal Procedure, is
21 amended by amending Subsection (a) and adding Subsection (a-1) to
22 read as follows:

23 (a) This subsection applies to a [A] person subject to
24 registration under this chapter who has for a sexually violent
25 offense been convicted two or more times, received an order of
26 deferred adjudication two or more times, or been convicted and
27 received an order of deferred adjudication and to a person who has

1 been civilly committed as a sexually violent predator under Chapter
2 841, Health and Safety Code, and is not required to reside in a
3 civil commitment center. A person to whom this subsection applies
4 shall report to the local law enforcement authority designated as
5 the person's primary registration authority by the department not
6 less than once in each 90-day period following the date the person
7 first registered under this chapter to verify the information in
8 the registration form maintained by the authority for that person.
9 ~~[A person subject to registration under this chapter who is not~~
10 ~~subject to the 90-day reporting requirement described by this~~
11 ~~subsection shall report to the local law enforcement authority~~
12 ~~designated as the person's primary registration authority by the~~
13 ~~department once each year not earlier than the 30th day before and~~
14 ~~not later than the 30th day after the anniversary of the person's~~
15 ~~date of birth to verify the information in the registration form~~
16 ~~maintained by the authority for that person.]~~ For purposes of this
17 subsection, a person complies with a requirement that the person
18 register within a 90-day period following a date if the person
19 registers at any time on or after the 83rd day following that date
20 but before the 98th day after that date.

21 (a-1) A person subject to registration under this chapter
22 who is not subject to the 90-day reporting requirement described by
23 this article shall report to the local law enforcement authority
24 designated as the person's primary registration authority by the
25 department once each year not earlier than the 30th day before and
26 not later than the 30th day after the anniversary of the person's
27 date of birth to verify the information in the registration form

1 maintained by the authority for that person.

2 SECTION 28. Article 62.063(a), Code of Criminal Procedure,
3 is amended by adding Subdivision (3) to read as follows:

4 (3) "Child" means a person younger than 18 years of
5 age.

6 SECTION 29. Article 62.063(b), Code of Criminal Procedure,
7 is amended to read as follows:

8 (b) A person subject to registration under this chapter
9 because of a reportable conviction or adjudication for which an
10 affirmative finding is entered under Article 42.015(b) or
11 42A.105(a), as appropriate, or a person civilly committed as a
12 sexually violent predator under Chapter 841, Health and Safety
13 Code, may not, for compensation:

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

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

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

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

21 (5) provide or offer to provide a service at a
22 SAFE-ready facility, as defined by Section 323.001, Health and
23 Safety Code, or another facility that provides forensic medical
24 examinations to sexual assault survivors in accordance with Chapter
25 323, Health and Safety Code;

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

1 (7) provide or offer to provide a service at a family
2 violence center, as defined by Section 51.002, Human Resources
3 Code;

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

6 (9) provide or offer to provide any coaching,
7 tutoring, or mentoring service to a child.

8 SECTION 30. Subchapter B, Chapter 62, Code of Criminal
9 Procedure, is amended by adding Article 62.066 to read as follows:

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

15 SECTION 31. Articles 62.101(a) and (b), Code of Criminal
16 Procedure, are amended to read as follows:

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

21 (1) a sexually violent offense;

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

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

27 (4) an offense under Section 21.11(a)(2), Penal Code,

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

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

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

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

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

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

24 (b) Except as provided by Subchapter I, the duty to register
25 for a person otherwise subject to Subsection (a) ends on the 10th
26 anniversary of the date on which the person is released from civil
27 commitment as a sexually violent predator under Chapter 841, Health

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

8 SECTION 32. Article 66.102, Code of Criminal Procedure, is
9 amended by adding Subsection (j) to read as follows:

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

14 SECTION 33. Section 14A.056, Civil Practice and Remedies
15 Code, is amended to read as follows:

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

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

1 and hear the civilly committed individual and that permits the
2 individual to see and hear the court and any other witness.

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

8 SECTION 34. Section 420A.002(b), Government Code, is
9 amended to read as follows:

10 (b) The office is governed by a board composed of five
11 members appointed by the governor, including:

12 (1) one member experienced in the management of
13 civilly committed persons [~~sex offenders~~];

14 (2) one member experienced in the investigation or
15 prosecution of sex offenses; and

16 (3) one member experienced in counseling or advocating
17 on behalf of victims of sexual assault.

18 SECTION 35. Section 420A.010, Government Code, is amended
19 to read as follows:

20 Sec. 420A.010. POWERS AND DUTIES. The office shall perform
21 appropriate functions related to the sex offender civil commitment
22 program provided under Chapter 841, Health and Safety Code,
23 including functions related to the provision of treatment and
24 supervision to civilly committed persons [~~sex offenders~~].

25 SECTION 36. Sections 420A.012(a) and (c), Government Code,
26 are amended to read as follows:

27 (a) The office may designate an employee to serve as a

1 family liaison officer. The family liaison officer may, as the
2 office determines appropriate:

3 (1) facilitate the continuation and maintenance of
4 ties between a civilly committed person [~~sex offender~~] and the
5 person's [~~offender's~~] family members who are supportive of the
6 person's [~~offender's~~] participation in the treatment and
7 supervision program;

8 (2) notify a civilly committed person [~~an offender~~]
9 regarding emergencies concerning the person's [~~offender's~~] family
10 and provide the person [~~offender~~] with other necessary information
11 related to the person's [~~offender's~~] family; and

12 (3) assist in resolving problems that may affect
13 permitted contact with a civilly committed person [~~an offender~~].

14 (c) This section does not:

15 (1) require the office to designate a family liaison
16 officer; or

17 (2) guarantee to a civilly committed person [~~sex~~
18 ~~offender~~] or family member of the person [~~an offender~~] any
19 additional right or privilege that is not already required by state
20 or federal law.

21 SECTION 37. Sections [420A.013](#)(a) and (b), Government Code,
22 are amended to read as follows:

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

1 to the person [~~offender~~] through ongoing, appropriate contact with
2 the person [~~offender~~] while the person [~~offender~~] participates in
3 the treatment and supervision program.

4 (b) This section does not guarantee to a civilly committed
5 person [~~sex-offender~~] or family member of the person [~~an-offender~~]
6 any additional right or privilege that is not already required by
7 state or federal law.

8 SECTION 38. Section 508.145(a), Government Code, is amended
9 to read as follows:

10 (a) An inmate is not eligible for release on parole if the
11 inmate is under sentence of death, serving a sentence of life
12 imprisonment without parole, or serving a sentence for any of the
13 following offenses [~~under the Penal Code~~]:

14 (1) Section 20A.03, Penal Code, if the offense is
15 based partly or wholly on conduct constituting an offense under
16 Section 20A.02(a)(5), (6), (7), or (8) of that code;

17 (2) Section 21.02, Penal Code;

18 (3) Section 22.021, Penal Code, if the offense is
19 punishable under Subsection (f) of that section; [~~or~~]

20 (4) Section 51.03 or 51.04, Penal Code; or

21 (5) any felony offense if the inmate was civilly
22 committed as a sexually violent predator under Chapter 841, Health
23 and Safety Code, at the time of the offense.

24 SECTION 39. Section 508.149, Government Code, is amended by
25 adding Subsection (a-2) to read as follows:

26 (a-2) An inmate serving a sentence for a felony offense
27 committed while the inmate was civilly committed as a sexually

1 violent predator under Chapter 841, Health and Safety Code, may not
2 be released to mandatory supervision.

3 SECTION 40. Section 2155.144(b-1), Government Code, is
4 amended to read as follows:

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

8 (1) including goods and services acquired for direct
9 consumption or use by the agency in the day-to-day support of the
10 agency's administrative operations, such as office supplies and
11 equipment, building maintenance and cleaning services, or
12 temporary employment services; and

13 (2) not including consulting services, professional
14 services, health care services, information resources technology,
15 goods or services acquired for the benefit or on behalf of clients
16 of programs operated by the agency, procurements specifically
17 authorized or delegated to the agency by statute, or the
18 contracting out of agency purchasing functions or other
19 administrative or program functions.

20 SECTION 41. Section 841.003(b), Health and Safety Code, is
21 amended to read as follows:

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

1 (1) the person:

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

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

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

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

19 SECTION 42. Section 841.022, Health and Safety Code, is
20 amended by adding Subsection (d) to read as follows:

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

23 SECTION 43. Section 841.083(d), Health and Safety Code, is
24 amended to read as follows:

25 (d) The office shall enter into appropriate contracts for
26 the provision of any necessary supervised housing and other related
27 services and may enter into appropriate contracts for medical and

1 mental health services and sex offender treatment. The term of a
2 contract under this subsection may not exceed 10 years. The
3 contract may provide for an unlimited number of renewals each for an
4 additional term not to exceed 10 years. This subsection prevails to
5 the extent of a conflict between this subsection and any other law.

6 SECTION 44. Section 841.0835, Health and Safety Code, is
7 amended by adding Subsection (d) to read as follows:

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

13 SECTION 45. Section 841.084, Health and Safety Code, is
14 amended by adding Subsections (a-1) and (a-2) to read as follows:

15 (a-1) A civilly committed person, whether indigent or not,
16 is responsible for the cost of:

17 (1) repairs to or replacement of property belonging to
18 this state, the civil commitment facility, or another civilly
19 committed person, if the person intentionally, knowingly,
20 recklessly, or negligently caused damage to or the loss of the
21 property; and

22 (2) any expenses for medical care provided to the
23 committed person or any other person, if the committed person
24 intentionally, knowingly, recklessly, or negligently acted in a
25 manner that caused the injury for which medical care was provided.

26 (a-2) A civilly committed person shall pay to the office, at
27 the office's direction, any amount for which the person is

1 responsible under Subsection (a-1), as determined by the office.

2 SECTION 46. Section 841.147, Health and Safety Code, is
3 amended to read as follows:

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

6 (1) an employee or officer of the Texas Department of
7 Criminal Justice or the office;

8 (2) a member of the multidisciplinary team established
9 under Section 841.022;

10 (3) the applicable attorney representing the state and
11 an employee of the attorney; and

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

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

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

21 SECTION 47. Subchapter H, Chapter 841, Health and Safety
22 Code, is amended by adding Sections 841.148 and 841.149 to read as
23 follows:

24 Sec. 841.148. ATTORNEY GENERAL REPRESENTATION. The office
25 may request, on behalf of any person described by Section
26 841.147(a)(4), the assistance of the attorney general on any legal
27 matter associated with a service performed under this chapter at

1 the request of the office. The office or the person is not
2 responsible for and may not pay any costs associated with the
3 assistance.

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

5 (a) In an action against a person described by Section
6 841.147(a)(4), the person is entitled to recover court costs and
7 attorney's fees incurred in the action from the claimant if the
8 person is found immune under that section.

9 (b) A person may recover court costs and attorney's fees
10 under Subsection (a) regardless of whether the person requests the
11 assistance of the attorney general under Section 841.148.

12 SECTION 48. Sections 14A.001(1) and 14A.054(f), Civil
13 Practice and Remedies Code, as added by Chapter 203 (S.B. 1180),
14 Acts of the 88th Legislature, Regular Session, 2023, are repealed.

15 SECTION 49. The changes in law made by this Act in amending
16 Sections 3.03, 3.04, 12.42, 21.08, 22.01, 22.012, 22.02, 22.07,
17 22.11, 38.11, and 38.115, Penal Code, in amending Article 42.08,
18 Code of Criminal Procedure, in adding Article 42A.060, Code of
19 Criminal Procedure, and in amending Sections 508.145 and 508.149,
20 Government Code, apply only to an offense committed on or after the
21 effective date of this Act. An offense committed before the
22 effective date of this Act is governed by the law in effect on the
23 date the offense was committed, and the former law is continued in
24 effect for that purpose. For purposes of this section, an offense
25 was committed before the effective date of this Act if any element
26 of the offense was committed before that date.

27 SECTION 50. The change in law made by this Act to Article

1 12.01, Code of Criminal Procedure, does not apply to an offense if
2 the prosecution of that offense becomes barred by limitation before
3 the effective date of this Act. The prosecution of that offense
4 remains barred as if this Act had not taken effect.

5 SECTION 51. The changes in law made by this Act to Articles
6 14.03, 14.06, and 15.17, Code of Criminal Procedure, and to Chapter
7 17, Code of Criminal Procedure, apply only to a person who is
8 arrested on or after the effective date of this Act. A person
9 arrested before the effective date of this Act is governed by the
10 law in effect on the date the person was arrested, and the former
11 law is continued in effect for that purpose.

12 SECTION 52. The changes in law made by this Act to Chapter
13 62, Code of Criminal Procedure, apply to any person who, on or after
14 the effective date of this Act, is required to register under that
15 chapter, regardless of whether the offense or conduct for which the
16 person is required to register occurs before, on, or after the
17 effective date of this Act.

18 SECTION 53. (a) Except as otherwise provided by this
19 section, the changes in law made by this Act to Chapter 841, Health
20 and Safety Code, apply to a civil commitment proceeding under that
21 chapter that is initiated on or after the effective date of this
22 Act, regardless of when the applicable petition for civil
23 commitment was filed.

24 (b) Section 841.147, Health and Safety Code, as amended by
25 this Act, and Sections 841.148 and 841.149, Health and Safety Code,
26 as added by this Act, apply only to an action filed on or after the
27 effective date of this Act. An action filed before the effective

1 date of this Act is governed by the law in effect immediately before
2 the effective date of this Act, and that law is continued in effect
3 for that purpose.

4 SECTION 54. To the extent of any conflict, this Act prevails
5 over another Act of the 89th Legislature, Regular Session, 2025,
6 relating to nonsubstantive additions to and corrections in enacted
7 codes.

8 SECTION 55. This Act takes effect September 1, 2025.