

1-1 By: Whitmire S.B. No. 746
 1-2 (In the Senate - Filed February 24, 2015; March 2, 2015,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 April 21, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 0; April 21, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 746 By: Whitmire

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the civil commitment of sexually violent predators;
 1-20 amending provisions subject to criminal penalties.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 841.002(1), (3), and (4), Health and
 1-23 Safety Code, are amended to read as follows:

1-24 (1) "Attorney representing the state" means a district
 1-25 attorney, criminal district attorney, or county attorney with
 1-26 felony criminal jurisdiction who represents the state in [an
 1-27 attorney employed by the civil division of the special prosecution
 1-28 unit to initiate and pursue] a civil commitment proceeding under
 1-29 this chapter.

1-30 (3) "Case manager" means a person employed by or under
 1-31 contract with the office to perform duties related to the
 1-32 [~~outpatient~~] treatment and supervision of a person committed under
 1-33 this chapter.

1-34 (4) "Office" means the Texas Civil Commitment Office
 1-35 [~~of Violent Sex Offender Management~~].

1-36 SECTION 2. Section 841.003(b), Health and Safety Code, is
 1-37 amended to read as follows:

1-38 (b) A person is a repeat sexually violent offender for the
 1-39 purposes of this chapter if the person is convicted of more than one
 1-40 sexually violent offense and a sentence is imposed for at least one
 1-41 of the offenses or if:

1-42 (1) the person:

1-43 (A) is convicted of a sexually violent offense,
 1-44 regardless of whether the sentence for the offense was ever imposed
 1-45 or whether the sentence was probated and the person was
 1-46 subsequently discharged from community supervision;

1-47 (B) enters a plea of guilty or nolo contendere
 1-48 for a sexually violent offense in return for a grant of deferred
 1-49 adjudication; or

1-50 (C) [~~is adjudged not guilty by reason of insanity~~
 1-51 ~~of a sexually violent offense, or~~

1-52 [~~(D)~~] is adjudicated by a juvenile court as
 1-53 having engaged in delinquent conduct constituting a sexually
 1-54 violent offense and is committed to the Texas Juvenile Justice
 1-55 Department under Section 54.04(d)(3) or (m), Family Code; and

1-56 (2) after the date on which under Subdivision (1) the
 1-57 person is convicted, receives a grant of deferred adjudication, [~~is~~
 1-58 ~~adjudged not guilty by reason of insanity,~~] or is adjudicated by a
 1-59 juvenile court as having engaged in delinquent conduct, the person
 1-60 commits a sexually violent offense for which the person[+]

2-1 [~~(A)~~] is convicted, but only if the sentence for
 2-2 the offense is imposed [~~, or~~
 2-3 [~~(B) is adjudged not guilty by reason of~~
 2-4 ~~insanity~~].

2-5 SECTION 3. Section 841.007, Health and Safety Code, is
 2-6 amended to read as follows:

2-7 Sec. 841.007. DUTIES OF TEXAS CIVIL COMMITMENT OFFICE [~~OF~~
 2-8 ~~VIOLENT SEX OFFENDER MANAGEMENT~~]. The Texas Civil Commitment
 2-9 Office [~~of Violent Sex Offender Management~~] is responsible for:

2-10 (1) providing appropriate and necessary treatment and
 2-11 supervision for committed persons through the case management
 2-12 system; and

2-13 (2) developing and implementing a sex offender
 2-14 treatment program for persons committed under this chapter.

2-15 SECTION 4. Section 841.021, Health and Safety Code, is
 2-16 amended by amending Subsections (a) and (c) and adding Subsections
 2-17 (a-1) and (d) to read as follows:

2-18 (a) Subject to Subsection (a-1) and except as provided by
 2-19 Subsection (d), before [~~Before~~] the person's anticipated release
 2-20 date, the Texas Department of Criminal Justice shall give to the
 2-21 multidisciplinary team established under Section 841.022 written
 2-22 notice of the anticipated release of a person who:

2-23 (1) is serving a sentence for:

2-24 (A) a sexually violent offense described by
 2-25 Section 841.002(8)(A), (B), or (C); or

2-26 (B) what is, or as described by this chapter what
 2-27 the department reasonably believes may be determined to be, a
 2-28 sexually violent offense described by Section 841.002(8)(D); and

2-29 (2) may be a repeat sexually violent offender.

2-30 (a-1) Regardless of whether any exigent circumstances are
 2-31 present, the Texas Department of Criminal Justice may give notice
 2-32 under this section with respect to a person who is scheduled to be
 2-33 released on parole or to mandatory supervision only if the person's
 2-34 anticipated release date is not later than 24 months after the date
 2-35 on which the notice will be given. The department may not give
 2-36 notice with respect to a person who is currently released on parole
 2-37 or to mandatory supervision, but the multidisciplinary team may
 2-38 perform the functions described by Section 841.022(c) within the
 2-39 applicable period required by that subsection if the written notice
 2-40 required by this section was received by the team before the date of
 2-41 the person's release.

2-42 (c) The Texas Department of Criminal Justice [~~or the~~
 2-43 ~~Department of State Health Services, as appropriate,~~] shall give
 2-44 the notice described by Subsection (a) [~~or (b)~~] not later than the
 2-45 first day of the 24th [~~16th~~] month before the person's anticipated
 2-46 release [~~or discharge~~] date, but under exigent circumstances may
 2-47 give the notice at any time before that [~~the anticipated release or~~
 2-48 ~~discharge~~] date, except as provided by Subsection (a-1). The
 2-49 notice must contain the following information:

2-50 (1) the person's name, identifying factors,
 2-51 anticipated residence after release [~~or discharge~~], and criminal
 2-52 history;

2-53 (2) documentation of the person's institutional
 2-54 adjustment and actual treatment; and

2-55 (3) an assessment of the likelihood that the person
 2-56 will commit a sexually violent offense after release [~~or~~
 2-57 ~~discharge~~].

2-58 (d) The Texas Department of Criminal Justice may not provide
 2-59 notice under Subsection (a) of the anticipated release of a person
 2-60 for whom the department has previously provided notice under this
 2-61 section and who has been previously recommended for an assessment
 2-62 under Section 841.022 unless, after the recommendation for
 2-63 assessment was made:

2-64 (1) the person is convicted of a new sexually violent
 2-65 offense; or

2-66 (2) the person's parole or mandatory supervision is
 2-67 revoked based on:

2-68 (A) the commission of a new sexually violent
 2-69 offense;

3-1 (B) failure to adhere to the requirements of sex
 3-2 offender treatment and supervision; or

3-3 (C) failure to register as a sex offender.

3-4 SECTION 5. Section 841.022, Health and Safety Code, as
 3-5 amended by S.B. No. 219, Acts of the 84th Legislature, Regular
 3-6 Session, 2015, is amended by amending Subsections (a) and (c) and
 3-7 adding Subsection (a-1) to read as follows:

3-8 (a) The executive director of the Texas Department of
 3-9 Criminal Justice [~~and the commissioner of state health services~~
 3-10 ~~jointly~~] shall establish a multidisciplinary team to review
 3-11 available records of a person referred to the team under Section
 3-12 841.021. The team must include:

3-13 (1) a mental health professional [~~one person~~] from the
 3-14 Department of State Health Services;

3-15 (2) two persons from the Texas Department of Criminal
 3-16 Justice as follows:

3-17 (A) [~~7~~] one person [~~of whom must be~~] from the
 3-18 victim services division; and

3-19 (B) one person from the sex offender
 3-20 rehabilitation program in the rehabilitation programs division [~~of~~
 3-21 ~~that department~~];

3-22 (3) a licensed peace officer who is employed by the
 3-23 Department of Public Safety and who has at least five years'
 3-24 experience working for that department or the officer's designee
 3-25 [~~one person from the Department of Public Safety~~];

3-26 (4) two persons from the office [~~or office personnel~~];
 3-27 and

3-28 (5) a licensed sex offender treatment provider [~~one~~
 3-29 ~~person~~] from the Council on Sex Offender Treatment.

3-30 (a-1) The Texas Department of Criminal Justice, in
 3-31 consultation with the office, shall provide training to the members
 3-32 of the multidisciplinary team regarding the civil commitment
 3-33 program under this chapter, including training regarding:

3-34 (1) eligibility criteria for commitment;
 3-35 (2) the process for evaluating persons for commitment;

3-36 and
 3-37 (3) the sex offender treatment program for persons
 3-38 committed under this chapter.

3-39 (c) Not later than the 60th day after the date the
 3-40 multidisciplinary team receives notice under Section 841.021(a)
 3-41 [~~or (b)~~], the team shall:

3-42 (1) assess whether the person is a repeat sexually
 3-43 violent offender and whether the person is likely to commit a
 3-44 sexually violent offense after release [~~or discharge~~];

3-45 (2) give notice of that assessment to the Texas
 3-46 Department of Criminal Justice [~~or the Department of State Health~~
 3-47 ~~Services, as appropriate~~]; and

3-48 (3) recommend the assessment of the person for a
 3-49 behavioral abnormality, as appropriate.

3-50 SECTION 6. Section 841.023, Health and Safety Code, is
 3-51 amended to read as follows:

3-52 Sec. 841.023. ASSESSMENT FOR BEHAVIORAL ABNORMALITY.

3-53 (a) Not later than the 60th day after the date of a recommendation
 3-54 under Section 841.022(c), the Texas Department of Criminal Justice
 3-55 [~~or the Department of State Health Services, as appropriate,~~] shall
 3-56 assess whether the person suffers from a behavioral abnormality
 3-57 that makes the person likely to engage in a predatory act of sexual
 3-58 violence. To aid in the assessment, the department [~~required to~~
 3-59 ~~make the assessment~~] shall use an expert to examine the person. The
 3-60 [~~That~~] department may contract for the expert services required by
 3-61 this subsection. The expert shall make a clinical assessment based
 3-62 on testing for psychopathy, a clinical interview, and other
 3-63 appropriate assessments and techniques to aid the department in its
 3-64 assessment.

3-65 (b) If as a result of the assessment the Texas Department of
 3-66 Criminal Justice [~~or the Department of State Health Services~~]
 3-67 believes that the person suffers from a behavioral abnormality, not
 3-68 later than the 60th day after the date of a recommendation under
 3-69 Section 841.022(c) the department [~~making the assessment~~] shall

4-1 give notice of that assessment and provide corresponding
 4-2 documentation to the attorney representing the state for the county
 4-3 in which the person was most recently convicted of a sexually
 4-4 violent offense [~~not later than the 60th day after the date of a~~
 4-5 ~~recommendation under Section 841.022(c)~~].

4-6 SECTION 7. Section 841.041(a), Health and Safety Code, is
 4-7 amended to read as follows:

4-8 (a) If a person is referred to the attorney representing the
 4-9 state under Section 841.023, the attorney may file, in the [~~a~~
 4-10 ~~Montgomery County district~~] court of conviction for the person's
 4-11 most recent sexually violent offense [~~other than a family district~~
 4-12 ~~court~~], a petition alleging that the person is a sexually violent
 4-13 predator and stating facts sufficient to support the allegation.

4-14 SECTION 8. Subchapter D, Chapter 841, Health and Safety
 4-15 Code, is amended by adding Section 841.065 to read as follows:

4-16 Sec. 841.065. AGREED ORDER. An agreed order of civil
 4-17 commitment must require the person to submit to the treatment and
 4-18 supervision administered by the office.

4-19 SECTION 9. Section 841.081, Health and Safety Code, is
 4-20 amended to read as follows:

4-21 Sec. 841.081. CIVIL COMMITMENT OF PREDATOR. (a) If at a
 4-22 trial conducted under Subchapter D the judge or jury determines
 4-23 that the person is a sexually violent predator, the judge shall
 4-24 commit the person for [~~outpatient~~] treatment and supervision to be
 4-25 coordinated by the office [~~case manager~~]. The commitment order is
 4-26 effective immediately on entry of the order, except that the
 4-27 [~~outpatient~~] treatment and supervision begins on the person's
 4-28 release from a secure correctional facility [~~or discharge from a~~
 4-29 ~~state hospital~~] and continues until the person's behavioral
 4-30 abnormality has changed to the extent that the person is no longer
 4-31 likely to engage in a predatory act of sexual violence.

4-32 (b) At any time after entry of a commitment order under
 4-33 Subsection (a), the office [~~case manager~~] may provide to the person
 4-34 instruction regarding the requirements associated with the order,
 4-35 regardless of whether the person is incarcerated at the time of the
 4-36 instruction.

4-37 SECTION 10. Sections 841.082(a) and (b), Health and Safety
 4-38 Code, are amended to read as follows:

4-39 (a) Before entering an order directing a person's
 4-40 [~~outpatient~~] civil commitment, the judge shall impose on the person
 4-41 requirements necessary to ensure the person's compliance with
 4-42 treatment and supervision and to protect the community. The
 4-43 requirements shall include:

4-44 (1) requiring the person to reside where instructed
 4-45 [in a Texas residential facility under contract with the office or
 4-46 at another location or facility approved] by the office;

4-47 (2) prohibiting the person's contact with a victim [~~or~~
 4-48 ~~potential victim~~] of the person;

4-49 (3) [~~prohibiting the person's possession or use of~~
 4-50 ~~alcohol, inhalants, or a controlled substance,~~

4-51 [~~(4)~~] requiring the person's participation in and
 4-52 compliance with the sex offender treatment program [~~a specific~~
 4-53 ~~course of treatment~~] provided by the office and compliance with all
 4-54 written requirements imposed by the [~~case manager or otherwise by~~
 4-55 ~~the~~] office;

4-56 (4) [(5)] requiring the person to:

4-57 (A) submit to tracking under a particular type of
 4-58 tracking service and to any other appropriate supervision; and

4-59 (B) refrain from tampering with, altering,
 4-60 modifying, obstructing, or manipulating the tracking equipment;
 4-61 and

4-62 (5) [(6)] prohibiting the person from [~~changing the~~
 4-63 ~~person's residence without prior authorization from the judge and~~
 4-64 ~~from~~] leaving the state without [~~that~~] prior authorization from the
 4-65 office [†

4-66 [(7) ~~if determined appropriate by the judge,~~
 4-67 ~~establishing a child safety zone in the same manner as a child~~
 4-68 ~~safety zone is established by a judge under Section 13B, Article~~
 4-69 42.12, Code of Criminal Procedure, and requiring the person to

5-1 ~~comply with requirements related to the safety zone; and~~
 5-2 ~~[(8) any other requirements determined necessary by~~
 5-3 ~~the judge].~~

5-4 (b) A tracking service to which a person is required to
 5-5 submit under Subsection (a)(4) ~~[(a)(5)]~~ must:

5-6 (1) track the person's location in real time;

5-7 (2) be able to provide a real-time report of the
 5-8 person's location to the office on ~~[case manager at the case~~
 5-9 ~~manager's]~~ request; and

5-10 (3) periodically provide a cumulative report of the
 5-11 person's location to the office ~~[case manager].~~

5-12 SECTION 11. Subchapter E, Chapter 841, Health and Safety
 5-13 Code, is amended by adding Section 841.0821 to read as follows:

5-14 Sec. 841.0821. SEX OFFENDER TREATMENT BEFORE RELEASE FROM
 5-15 SECURE CORRECTIONAL FACILITY. (a) The Texas Department of
 5-16 Criminal Justice shall prioritize enrolling in a sex offender
 5-17 treatment program established by the department any committed
 5-18 person who has not yet been released by the department.

5-19 (b) The Texas Department of Criminal Justice and the office
 5-20 shall adopt a memorandum of understanding that establishes their
 5-21 respective responsibilities to institute a continuity of care for
 5-22 committed persons enrolled in a sex offender treatment program
 5-23 established by the department.

5-24 SECTION 12. Section 841.083, Health and Safety Code, is
 5-25 amended to read as follows:

5-26 Sec. 841.083. TREATMENT; SUPERVISION. (a) The office
 5-27 shall determine the conditions of supervision and treatment of a
 5-28 committed person [approve and contract for the provision of a
 5-29 treatment plan for the committed person to be developed by the
 5-30 treatment provider. A treatment plan may include the monitoring of
 5-31 the person with a polygraph or plethysmograph. The treatment
 5-32 provider may receive annual compensation in an amount not to exceed
 5-33 \$10,000 for providing the required treatment].

5-34 (b) The office [case manager] shall provide supervision to
 5-35 the person. The provision of supervision must include a tracking
 5-36 service and, if determined necessary by the office [required by
 5-37 court order], supervised housing.

5-38 (c) The office shall enter into appropriate memoranda of
 5-39 understanding with the Texas Department of Criminal Justice
 5-40 [Department of Public Safety] for the provision of a tracking
 5-41 service and with the Department of Public Safety and local law
 5-42 enforcement authorities for assistance in the preparation of
 5-43 criminal complaints, warrants, and related documents and in the
 5-44 apprehension and arrest of a person.

5-45 (d) The office shall enter into appropriate contracts
 5-46 [memoranda of understanding] for the provision of any necessary
 5-47 supervised housing and other related services and may enter into
 5-48 appropriate contracts for medical and mental health services and
 5-49 sex offender treatment. [The office shall reimburse the applicable
 5-50 provider for housing costs under this section.]

5-51 (e) The case manager shall:

5-52 (1) coordinate the [outpatient] treatment and
 5-53 supervision required by this chapter, including performing a
 5-54 periodic assessment of the success of that treatment and
 5-55 supervision; and

5-56 (2) [make timely recommendations to the judge on
 5-57 whether to allow the committed person to change residence or to
 5-58 leave the state and on any other appropriate matters; and

5-59 [(3)] provide a report to the office, semiannually or
 5-60 more frequently as necessary, which must include[+]

5-61 [(A)] any known change in the person's status
 5-62 that affects proper treatment and supervision[, and

5-63 [(B) any recommendations made to the judge].

5-64 SECTION 13. Subchapter E, Chapter 841, Health and Safety
 5-65 Code, is amended by adding Sections 841.0831, 841.0832, 841.0833,
 5-66 841.0834, 841.0835, and 841.0836 to read as follows:

5-67 Sec. 841.0831. TIERED PROGRAM. (a) The office shall
 5-68 develop a tiered program for the supervision and treatment of a
 5-69 committed person.

6-1 (b) The tiered program must provide for the seamless
6-2 transition of a committed person from a total confinement facility
6-3 to less restrictive housing and supervision and eventually to
6-4 release from civil commitment, based on the person's behavior and
6-5 progress in treatment.

6-6 Sec. 841.0832. HOUSING FACILITIES. (a) The office shall
6-7 operate, or contract with a vendor to operate, one or more
6-8 facilities provided for the purpose of housing committed persons.

6-9 (b) The office shall designate a facility under Subsection
6-10 (a) to serve as an intake and orientation facility for committed
6-11 persons on release from a secure correctional facility.

6-12 Sec. 841.0833. SECURITY AND MONITORING. The office shall
6-13 develop procedures for the security and monitoring of committed
6-14 persons in each programming tier.

6-15 Sec. 841.0834. MOVEMENT BETWEEN PROGRAMMING TIERS.

6-16 (a) The office shall transfer a committed person to less
6-17 restrictive housing and supervision if the transfer is in the best
6-18 interests of the person and conditions can be imposed that
6-19 adequately protect the community.

6-20 (b) Without the office's approval, a committed person may
6-21 file a petition with the court for transfer to less restrictive
6-22 housing and supervision. The court shall grant the transfer if the
6-23 court determines that the transfer is in the best interests of the
6-24 person and conditions can be imposed that adequately protect the
6-25 community.

6-26 (c) The office shall return a committed person who has been
6-27 transferred to less restrictive housing and supervision to a more
6-28 restrictive setting if the office considers the transfer necessary
6-29 to further treatment and to protect the community. The decision to
6-30 transfer the person must be based on the person's behavior or
6-31 progress in treatment.

6-32 (d) A committed person returned to a more restrictive
6-33 setting under Subsection (c) is entitled to file a petition with the
6-34 court seeking review of the office's determination. The court
6-35 shall order the office to transfer the person to less restrictive
6-36 housing and supervision only if the court determines that the
6-37 office's determination was not made in accordance with Subsection
6-38 (c).

6-39 Sec. 841.0835. COMMITTED PERSONS WITH SPECIAL NEEDS. The
6-40 Health and Human Services Commission shall coordinate with the
6-41 office to provide psychiatric services, disability services, and
6-42 housing for a committed person with an intellectual or
6-43 developmental disability, a mental illness, or a physical
6-44 disability that prevents the person from effectively participating
6-45 in the sex offender treatment program administered by the office.

6-46 Sec. 841.0836. RELEASE FROM HOUSING. A committed person
6-47 released from housing operated by or under contract with the office
6-48 shall be released to the county in which the person was most
6-49 recently convicted of a sexually violent offense.

6-50 SECTION 14. Section 841.084, Health and Safety Code, is
6-51 amended to read as follows:

6-52 Sec. 841.084. PAYMENT OF COSTS BY COMMITTED PERSON [COST OF
6-53 TRACKING SERVICE]. (a) Notwithstanding Section 841.146(c), a
6-54 civilly committed person who is not indigent:

6-55 (1) is responsible for the cost of:

6-56 (A) housing and treatment provided under this
6-57 chapter; and

6-58 (B) the tracking service required by Section
6-59 841.082; and

6-60 (2) monthly shall pay to the office the amount that the
6-61 office determines will be necessary to defray the cost of providing
6-62 the housing, treatment, and [operating the] service with respect to
6-63 the person [during the subsequent month. The office immediately
6-64 shall transfer the money to the appropriate service provider].

6-65 (b) Money collected under this section shall be deposited to
6-66 the credit of the account from which the costs were originally paid.

6-67 SECTION 15. Section 841.085(a), Health and Safety Code, is
6-68 amended to read as follows:

6-69 (a) A person commits an offense if, after having been

7-1 adjudicated and civilly committed as a sexually violent predator
 7-2 under this chapter, the person violates a civil commitment
 7-3 requirement imposed under Section 841.082(a)(1), (2), (4), or (5)
 7-4 [841.082].

7-5 SECTION 16. Section 841.101(b), Health and Safety Code, is
 7-6 amended to read as follows:

7-7 (b) In preparation for a judicial review conducted under
 7-8 Section 841.102, the office [case manager] shall provide a report
 7-9 of the biennial examination to the judge and to the person. The
 7-10 report must include consideration of whether to modify a
 7-11 requirement imposed on the person under this chapter and whether to
 7-12 release the person from all requirements imposed on the person
 7-13 under this chapter. ~~[The case manager shall provide a copy of the~~
 7-14 ~~report to the office.]~~

7-15 SECTION 17. Section 841.102(a), Health and Safety Code, is
 7-16 amended to read as follows:

7-17 (a) Not later than the 60th day after the date of receipt of
 7-18 the report submitted under Section 841.101, the ~~[The]~~ judge shall
 7-19 conduct a biennial review of the status of the committed person and
 7-20 issue an order concluding the review or setting a hearing under
 7-21 Subsection (c).

7-22 SECTION 18. Section 841.121(a), Health and Safety Code, is
 7-23 amended to read as follows:

7-24 (a) If the office [case manager] determines that the
 7-25 committed person's behavioral abnormality has changed to the extent
 7-26 that the person is no longer likely to engage in a predatory act of
 7-27 sexual violence, the office [case manager] shall authorize the
 7-28 person to petition the court for release.

7-29 SECTION 19. Section 841.122, Health and Safety Code, is
 7-30 amended to read as follows:

7-31 Sec. 841.122. RIGHT TO FILE UNAUTHORIZED PETITION FOR
 7-32 RELEASE. On a person's commitment and annually after that
 7-33 commitment, the office [case manager] shall provide the person with
 7-34 written notice of the person's right to file with the court and
 7-35 without the office's [case manager's] authorization a petition for
 7-36 release.

7-37 SECTION 20. Sections 841.123(a), (b), and (c), Health and
 7-38 Safety Code, are amended to read as follows:

7-39 (a) If the committed person files a petition for release
 7-40 without the office's [case manager's] authorization, the person
 7-41 shall serve the petition on the court and the attorney representing
 7-42 the state.

7-43 (b) The judge shall review and issue a ruling on [On receipt
 7-44 of] a petition for release filed by the committed person without the
 7-45 office's [case manager's] authorization not later than the 60th day
 7-46 after the date of filing of the petition [, the judge shall attempt
 7-47 as soon as practicable to review the petition].

7-48 (c) Except as provided by Subsection (d), the judge shall
 7-49 deny without a hearing a petition for release filed without the
 7-50 office's [case manager's] authorization if the petition is
 7-51 frivolous or if:

7-52 (1) the petitioner previously filed without the
 7-53 office's [case manager's] authorization another petition for
 7-54 release; and

7-55 (2) the judge determined on review of the previous
 7-56 petition or following a hearing that:

7-57 (A) the petition was frivolous; or

7-58 (B) the petitioner's behavioral abnormality had
 7-59 not changed to the extent that the petitioner was no longer likely
 7-60 to engage in a predatory act of sexual violence.

7-61 SECTION 21. Section 841.124(a), Health and Safety Code, is
 7-62 amended to read as follows:

7-63 (a) If as authorized by Section 841.123 the judge does not
 7-64 deny a petition for release filed by the committed person without
 7-65 the office's [case manager's] authorization, the judge shall
 7-66 conduct ~~[as soon as practicable]~~ a hearing on the petition not later
 7-67 than the 60th day after the date of filing of the petition.

7-68 SECTION 22. Section 841.141(b), Health and Safety Code, is
 7-69 amended to read as follows:

8-1 (b) The office [~~by rule~~] shall adopt rules to:
 8-2 (1) develop standards of care and case management for
 8-3 persons committed under this chapter;
 8-4 (2) determine the conditions of supervision and
 8-5 treatment of a committed person; and
 8-6 (3) develop and implement the tiered program described
 8-7 by Section 841.0831, including rules regarding a committed person's
 8-8 transition between programming tiers.

8-9 SECTION 23. Sections 841.142(b), (c), and (d), Health and
 8-10 Safety Code, are amended to read as follows:

8-11 (b) To protect the public and to enable the provision of
 8-12 supervision and treatment to a person who is a sexually violent
 8-13 predator, any entity that possesses relevant information relating
 8-14 to the person shall release the information to the office [~~case~~
 8-15 ~~manager~~].

8-16 (c) On the written request of any attorney for another state
 8-17 or for a political subdivision in another state, the Texas
 8-18 Department of Criminal Justice, the office, a service provider
 8-19 contracting with one of those agencies, the multidisciplinary team,
 8-20 and the applicable attorney representing the state shall release to
 8-21 the attorney any available information relating to a person that is
 8-22 sought in connection with an attempt to civilly commit the person as
 8-23 a sexually violent predator in another state.

8-24 (d) To protect the public and to enable an assessment or
 8-25 determination relating to whether a person is a sexually violent
 8-26 predator or to enable the provision of supervision and treatment to
 8-27 a person who is a sexually violent predator, the Texas Department of
 8-28 Criminal Justice, the office, a service provider contracting with
 8-29 one of those agencies, the multidisciplinary team, and the
 8-30 applicable attorney representing the state may exchange any
 8-31 available information relating to the person.

8-32 SECTION 24. Section 841.144(b), Health and Safety Code, is
 8-33 amended to read as follows:

8-34 (b) If the person is indigent, the court shall appoint
 8-35 counsel [~~as appropriate under Section 841.005~~] to represent
 8-36 [~~assist~~] the person.

8-37 SECTION 25. Section 841.146(c), Health and Safety Code, is
 8-38 amended to read as follows:

8-39 (c) In an amount not to exceed \$2,500, the State of Texas
 8-40 shall pay all costs associated with a civil commitment proceeding
 8-41 conducted under Subchapter D. The State of Texas shall pay the
 8-42 reasonable costs of state or appointed counsel or experts for any
 8-43 other civil commitment proceeding conducted under this chapter and
 8-44 shall pay the reasonable costs of the person's [~~outpatient~~]
 8-45 treatment and supervision.

8-46 SECTION 26. Section 841.147, Health and Safety Code, is
 8-47 amended to read as follows:

8-48 Sec. 841.147. IMMUNITY. The following persons are immune
 8-49 from liability for good faith conduct under this chapter:

8-50 (1) an employee or officer of the Texas Department of
 8-51 Criminal Justice [~~, the Department of State Health Services, the~~
 8-52 ~~Department of Aging and Disability Services,~~] or the office;

8-53 (2) a member of the multidisciplinary team established
 8-54 under Section 841.022;

8-55 (3) the applicable attorney representing the state and
 8-56 an employee of the attorney [~~an employee of the civil division of~~
 8-57 ~~the special prosecution unit charged with initiating and pursuing~~
 8-58 ~~civil commitment proceedings under this chapter~~]; and

8-59 (4) a person providing, or contracting, appointed, or
 8-60 volunteering to perform, a tracking service or another service
 8-61 under this chapter.

8-62 SECTION 27. Section 841.150, Health and Safety Code, as
 8-63 amended by S.B. No. 219, Acts of the 84th Legislature, Regular
 8-64 Session, 2015, is amended to read as follows:

8-65 Sec. 841.150. EFFECT OF SUBSEQUENT DETENTION, CONFINEMENT,
 8-66 OR COMMITMENT [~~OR CONFINEMENT~~] ON ORDER OF CIVIL COMMITMENT.

8-67 (a) The duties imposed on the office and the judge by this chapter
 8-68 are suspended for the duration of a detention or [~~any~~] confinement
 8-69 of a committed person in a correctional facility, secure

9-1 correctional facility, or secure detention facility, or if
 9-2 applicable any other commitment of the [a] person to a community
 9-3 center, mental health facility, or state supported living center,
 9-4 by governmental action.

9-5 (b) In this section:
 9-6 (1) "Community center" means a center established
 9-7 under Subchapter A, Chapter 534.

9-8 (2) "Correctional facility" has the meaning assigned
 9-9 by Section 1.07, Penal Code.

9-10 (3) "Mental health facility" has the meaning assigned
 9-11 by Section 571.003.

9-12 (4) "Secure correctional facility" and "secure
 9-13 detention facility" have the meanings assigned by Section 51.02,
 9-14 Family Code.

9-15 (5) ~~[(3)]~~ "State supported living center" has the
 9-16 meaning assigned by Section 531.002.

9-17 SECTION 28. Sections 841.151(b) and (c), Health and Safety
 9-18 Code, are amended to read as follows:

9-19 (b) This section applies to a person who has been civilly
 9-20 committed under this chapter and who is detained or confined in a
 9-21 correctional facility, secure correctional facility, or secure
 9-22 detention facility as a result of violating:

9-23 (1) a civil commitment requirement imposed under
 9-24 Section 841.082(a)(1), (2), (4), or (5) [841.082]; or

9-25 (2) a law of this state.

9-26 (c) Not later than the day preceding the date a correctional
 9-27 facility, secure correctional facility, or secure detention
 9-28 facility releases a person who, at the time of the person's
 9-29 detention or confinement, was civilly committed under this chapter
 9-30 as a sexually violent predator, the facility shall notify the
 9-31 office and the person's case manager in writing of the anticipated
 9-32 date and time of the person's release.

9-33 SECTION 29. Article 13.315, Code of Criminal Procedure, is
 9-34 amended to read as follows:

9-35 Art. 13.315. FAILURE TO COMPLY WITH SEXUALLY VIOLENT
 9-36 PREDATOR CIVIL COMMITMENT REQUIREMENT. An offense under Section
 9-37 841.085, Health and Safety Code, may be prosecuted in the county in
 9-38 which any element of the offense occurs or in the court that retains
 9-39 jurisdiction over the civil commitment proceeding under Section
 9-40 841.082, Health and Safety Code [Montgomery County].

9-41 SECTION 30. Section 24.579(c), Government Code, is amended
 9-42 to read as follows:

9-43 (c) Notwithstanding any other law and only to the extent
 9-44 that the duties of those individuals relate to civil commitment
 9-45 proceedings under Chapter 841, Health and Safety Code, or to
 9-46 criminal cases involving offenses under Section 841.085, Health and
 9-47 Safety Code, and Article 62.203, Code of Criminal Procedure, the
 9-48 state shall pay the salaries of and other expenses related to the
 9-49 court reporter appointed for the 435th District Court under Section
 9-50 52.041 and the court coordinator appointed for the court under
 9-51 Section 74.101. The salaries of the court reporter and court
 9-52 coordinator shall be set in amounts commensurate with the salaries
 9-53 paid by other district courts for those positions.

9-54 SECTION 31. Section 411.1389, Government Code, is amended
 9-55 to read as follows:

9-56 Sec. 411.1389. ACCESS TO CRIMINAL HISTORY RECORD
 9-57 INFORMATION: TEXAS CIVIL COMMITMENT OFFICE [OF VIOLENT SEX
 9-58 OFFENDER MANAGEMENT]. (a) The Texas Civil Commitment Office [of
 9-59 Violent Sex Offender Management] is entitled to obtain from the
 9-60 department criminal history record information that is maintained
 9-61 by the department and that relates to a person who has applied with
 9-62 the office to be:

9-63 (1) an employee of the office; or

9-64 (2) a contracted service provider with the office.

9-65 (b) Criminal history record information obtained by the
 9-66 Texas Civil Commitment Office [of Violent Sex Offender Management]
 9-67 under Subsection (a) may not be released or disclosed to any person
 9-68 or agency except on court order or with the consent of the person
 9-69 who is the subject of the information.

10-1 (c) The Texas Civil Commitment Office [~~of Violent Sex~~
 10-2 ~~Offender Management~~] shall destroy criminal history record
 10-3 information obtained under Subsection (a) as soon as practicable
 10-4 after the date on which, as applicable:

- 10-5 (1) the person's employment or contract with the
- 10-6 office terminates; or
- 10-7 (2) the office decides not to employ or contract with
- 10-8 the person.

10-9 SECTION 32. The heading to Chapter 420A, Government Code,
 10-10 is amended to read as follows:

10-11 CHAPTER 420A. TEXAS CIVIL COMMITMENT OFFICE [~~OF VIOLENT SEX~~
 10-12 ~~OFFENDER MANAGEMENT~~]

10-13 SECTION 33. Section 420A.001, Government Code, is amended
 10-14 to read as follows:

10-15 Sec. 420A.001. DEFINITIONS. In this chapter:

10-16 (1) "Board" means the governing board of the Texas
 10-17 Civil Commitment Office [~~of Violent Sex Offender Management~~].

10-18 (2) "Office" means the Texas Civil Commitment Office
 10-19 [~~of Violent Sex Offender Management~~].

10-20 SECTION 34. Sections 420A.002(a), (b), and (c), Government
 10-21 Code, are amended to read as follows:

10-22 (a) The Texas Civil Commitment Office [~~of Violent Sex~~
 10-23 ~~Offender Management~~] is a state agency.

10-24 (b) The office is governed by a board composed of five [~~the~~
 10-25 ~~following three~~] members appointed by the governor, including:

- 10-26 (1) one member experienced in the management of sex
- 10-27 offenders;
- 10-28 (2) one member experienced in the investigation or
- 10-29 prosecution of sex offenses; and
- 10-30 (3) one member experienced in counseling or advocating
- 10-31 on behalf of victims of sexual assault.

10-32 (c) Members of the board serve staggered two-year terms.
 10-33 Three [~~Two~~] members' terms expire February 1 of each even-numbered
 10-34 year and two members' terms expire [~~one member's term expires~~]
 10-35 February 1 of each odd-numbered year.

10-36 SECTION 35. Section 420A.004, Government Code, is amended
 10-37 to read as follows:

10-38 Sec. 420A.004. SUNSET PROVISION. The Texas Civil
 10-39 Commitment Office [~~of Violent Sex Offender Management~~] is subject
 10-40 to Chapter 325 (Texas Sunset Act). Unless continued in existence as
 10-41 provided by that chapter, the office is abolished and this chapter
 10-42 expires September 1, 2023.

10-43 SECTION 36. The following laws are repealed:

- 10-44 (1) Section 24.579(b), Government Code; and
- 10-45 (2) Sections 841.004, 841.005, 841.021(b), and
- 10-46 841.085(c), Health and Safety Code.

10-47 SECTION 37. (a) The changes in law made by this Act to
 10-48 Chapter 841, Health and Safety Code, apply to a civil commitment
 10-49 proceeding under that chapter that is initiated on or after the
 10-50 effective date of this Act, regardless of when the applicable
 10-51 petition for civil commitment was filed.

10-52 (b) If a civil commitment requirement imposed under Chapter
 10-53 841, Health and Safety Code, before the effective date of this Act
 10-54 differs from any of the civil commitment requirements listed in
 10-55 Section 841.082, Health and Safety Code, as amended by this Act, the
 10-56 applicable court with jurisdiction over the committed person shall,
 10-57 after notice and hearing, modify the requirement imposed as
 10-58 applicable to conform to that section.

10-59 SECTION 38. The change in law made by this Act in amending
 10-60 Section 841.085, Health and Safety Code, applies to an offense
 10-61 committed before, on, or after the effective date of this Act,
 10-62 except that a final conviction for an offense under that section
 10-63 that exists on the effective date of this Act remains unaffected by
 10-64 this Act.

10-65 SECTION 39. As soon as practicable after the effective date
 10-66 of this Act, the governor shall appoint the additional members to
 10-67 the governing board of the Texas Civil Commitment Office, as
 10-68 required by Section 420A.002, Government Code, as amended by this
 10-69 Act. In making those appointments, the governor shall appoint one

11-1 member to a term expiring February 1, 2016, and one member to a term
11-2 expiring February 1, 2017.

11-3 SECTION 40. To the extent of any conflict, this Act prevails
11-4 over another Act of the 84th Legislature, Regular Session, 2015,
11-5 relating to nonsubstantive additions to and corrections in enacted
11-6 codes.

11-7 SECTION 41. This Act takes effect September 1, 2015.

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