

**SUBJECT:** Allowing special prosecution unit to handle civil commitment violations

**COMMITTEE:** Corrections — favorable, without amendment

**VOTE:** 4 ayes — Madden, Hochberg, McReynolds, Haggerty  
0 nays  
3 absent — Dunnam, Jones, Oliveira

**SENATE VOTE:** On final passage, April 26 — 31-0, on Local and Uncontested Calendar

**WITNESSES:** For — None  
Against — None  
On — Gina DeBottis, Special Prosecution Unit; Allison Taylor, Council on Sex Offender Treatment

**BACKGROUND:** Under Health and Safety Code, sec. 841, certain repeat sex offenders and murderers whose crimes are sexually motivated and are released from prison or a state mental health facility can be committed through civil courts to outpatient treatment and supervision.

Those who are civilly committed are subject to numerous conditions, including treatment, GPS tracking, housing and transportation restrictions, child safety zones, polygraphs, substance use testing, registration every 30 days, and case management. Failure to comply with a commitment order can be a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000). Offenders who do not comply with any requirement of civil commitment can be charged with another offense and possibly returned to prison. The state's Special Prosecution Unit, headquartered in Montgomery County, files court petitions asking for civil commitment and handles these cases.

**DIGEST:** SB 1198 would authorize local prosecutors to request assistance from the Special Prosecution Unit for trials involving violations of a requirement of a civil commitment order. The bill would allow the current offense of

failing to comply with a sexually violent predator civil commitment requirement to be prosecuted in the county in which any element of the offense occurred or in Montgomery County.

Judges assigned to preside over civil commitment trials would not be subject to an objection made by either party to their being assigned the case, except for objections made against judges who were defeated in the last general or primary election. This would apply to petitions for civil commitment filed on or after the bill's effective date.

SB 1198 would define the term "commitment proceeding," which currently appears throughout the civil commitment statute, to be the civil commitment trial, the review of the commitment, and petitions for release from civil commitment.

The bill would take effect September 1, 2007, and would apply to persons in the Texas Department of Criminal Justice on or after that date or who were civilly committed for an offense committed before, on, or after the bill's effective date. The section dealing with objections to judges in civil commitment trials would take immediate effect if the bill finally passed by a two-thirds record vote of the membership of each house. Otherwise that section would take effect September 1, 2007.