

BILL ANALYSIS

Senate Research Center

S.B. 826
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1999, Texas created the first outpatient civil commitment program in the United States to act as a safety net for sexual violent predators who had completed their criminal sentences and the state was losing all authority to supervise their continuing behavior and ongoing treatment in the community. Adjustments have been made by subsequent legislatures to improve the quality of selection and supervision of this program, which, to remain constitutional, is designated a mental health program and is not an element of the criminal justice system.

Currently, the statute requires Texas Department of Criminal Justice (TDCJ) to release names of eligible inmates to the multi-disciplinary team, which processes inmates for consideration by the special prosecutor's unit for the filing of civil commitment proceedings in the 435th District Court of Montgomery County 16 months before an inmate's release date from TDCJ. This has created the situation where 60 percent of these persons are under dual supervision of the Office of Sexual Violent Predator Management (OSVPM) and the TDCJ Parole Division. Not only is dual supervision more costly to the state, it degrades the distinction that OSVPM is a mental health program and not associated with the criminal justice system.

S.B. 826 clarifies that the eligible offenders' names are provided to the multi-disciplinary team 28 months prior to a TDCJ discharge date, providing an increased time frame for completing the civil commitment process as well as creating an enhanced period to observe the behavior of those impacted by this process.

The bill is a product of collaboration with the Board of Pardons and Paroles and the special prosecutor's unit, which have decision responsibility for the supervision of offenders.

As proposed, S.B. 826 amends current law relating to the notification of a potential predator for civil commitment.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 841, Health and Safety Code, as follows:

Sec. 841.021. NOTICE OF POTENTIAL PREDATOR. (a)-(b) Makes no changes to these subsections.

(c) Requires the Texas Department of Criminal Justice (TDCJ) or the Department of State Health Services (DSHS), as appropriate, to give the notice described by Subsection (a) (relating to a written notice of the anticipated release of a person who is serving a sentence for certain sexually violent offenses or a person who may be a repeat sexually violent offender that is required to be given to the multidisciplinary team established under Section 841.022 (Multidisciplinary Team) by TDCJ before the person's anticipated release date) or (b) (relating to a written notice of the anticipated discharge of a person who is committed to DSHS

after having been adjudged not guilty by reason of insanity of certain sexually violent offenses that is required to be given to the multidisciplinary team established under Section 841.022 by DSHS before the person's anticipated discharge date) not later than the first day of the 16th month before the person's anticipated date of discharge, rather than the person's anticipated release or discharge date, from control of TDCJ or DSHS, but under exigent circumstances is authorized to give the notice at any time before the anticipated date of discharge. Makes conforming changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013.