

BILL ANALYSIS

Senate Research Center

S.B. 906
By: Perry
Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, sex offenders who are released from the Texas Department of Criminal Justice (TDCJ), and have been civilly committed, are still required to appear in person to register as sex offenders with the local primary registration authority. This bill would amend current law and require the Texas Civil Commitment Office (TCCO) to report changes of the location of sex offenders to the local primary registration authority on behalf of TCCO clients. This would help ensure that there is an uninterrupted transfer of custody from TDCJ to TCCO.

If a TCCO client files a petition with the court to be transferred to less restrictive housing, this bill would require the client to serve TCCO with a copy of the petition. Furthermore, the court will hold these types of hearings via video conference.

Currently, TCCO may issue an emergency detention order in the event that a civilly committed client is returned to a TCCO facility from a less restrictive housing setting. However, an unintended loophole exists because TCCO is not permitted to issue an emergency detention order for a person who is newly committed and is not in prison, but rather has been released on parole or mandatory supervision. This bill would close that loophole.

TCCO clients are required to reimburse the state for the cost of their housing, treatment, and GPS tracking. However, the current statute does not require clients to provide their financial information to TCCO. This bill would require TCCO clients to provide information related to their income, assets, and expenses so that the state can accurately assess how much the clients are required to reimburse the state.

As proposed, S.B. 906 amends current law relating to the civil commitment of sexually violent predators.

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 Article 62.055, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (j), as follows:

(a) Creates exceptions under Subsection (j) relating to persons required to register under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure.

(j) Requires the Texas Civil Commitment Office (TCCO) to report a change in address to each local law enforcement authority serving as the current or proposed primary registration authority for a person required to register under this chapter who is:

(1) civilly committed as a sexually violent predator under Chapter 841 (Civil Commitment of Sexually Violent Predators), Health and Safety Code; and

(2) required to reside in a location other than a civil commitment center by a court under Chapter 574 (Court-Ordered Mental Health Services), Health and Safety Code, or by TCCO.

SECTION 2. Amends Sections 841.0834 (b) and (d), Health and Safety Code, as follows:

(b) Requires a committed person who files a petition for transfer to a less restrictive setting to serve a copy of the petition on TCCO.

(d) Requires the committing court, not later than the 90th day after the date the committed person is returned to a more restrictive setting under Subsection (c) (relating to moving a committed person from less restrictive to more restrictive housing and supervision), to hold a hearing via videoconference to review TCCO's determination. Requires the court to order TCCO to transfer the person to less restrictive housing and supervision only if TCCO determines by clear and convincing evidence, rather than only if the court determines, that the office's determination was not made in accordance with Subsection (c). Authorizes the committed person to waive the right to a hearing under this subsection. Deletes existing text authorizing the committed person to file a petition with the court seeking review of TCCO's determination.

SECTION 3. Amends Section 841.0837, Health and Safety Code, as follows:

Sec. 841.0837. EMERGENCY DETENTION ORDER. Authorizes TCCO to issue an emergency detention order for a committed person's immediate apprehension and transportation to a TCCO-designated location for the purpose of:

(1) returning the person to a more restrictive setting following a transfer to less restrictive housing and supervision under Section 841.0834 (Movement Between Programming Tiers), or a release under Section 841.0836 (Release From Housing); or

(2) for a recently committed person who is not in the custody of the Texas Department of Criminal Justice at the time the commitment order is entered, bringing the person under the supervision of TCCO.

Deletes existing text authorizing TCCO, for the purpose of returning a committed person to a more restrictive setting following a transfer to less restrictive housing and supervision under Section 841.0834 or a release under Section 841.0836, to issue an emergency detention order for the person's immediate apprehension and transportation to a location designated by TCCO.

SECTION 4. Amends Section 841.084, Health and Safety Code, by adding Subsection (c), to require a committed person, on request, to provide to TCCO any financial records or other information regarding the person's income, assets, and expenses to assist TCCO in determining whether the person is indigent for purposes of this section.

SECTION 5. Amends Section 841.151, Health and Safety Code, by amending Subsection (c) and adding Subsection (c-1), as follows:

(c) Creates an exception under Subsection (c-1) to the provisions of this section relating to notifying TCCO regarding the release of certain persons from a correctional facility.

(c-1) Provides that Subsection (c) does not apply with respect to a person whom a court orders to be immediately released from a correctional facility, secure correctional facility, or secure detention facility.

SECTION 6. Repealer: Section 841.0834(e) (relating to requiring a committed person who files a petition under this section to serve a copy of the petition to TCCO), Health and Safety Code.

SECTION 7. Provides that Section 841.0834, Health and Safety Code, as amended by this Act, applies only to a petition for transfer that is filed or to a return to a more restrictive setting that occurs on or after the effective date of this Act. Provides that a petition filed or a return that occurs before the effective date of this Act is governed by the law in effect on the date the petition was filed or the return occurred, and the former law is continued in effect for that purpose.

SECTION 8. Provides that Section 841.151, Health and Safety Code, as amended by this Act, applies only to the release of a committed person that occurs on or after the effective date of this

Act. Provides that the release of a committed person that occurs before the effective date of this Act is governed by the law in effect on the date the person was released, and the former law is continued in effect for that purpose.

SECTION 9. Effective date: September 1, 2021.