

BILL ANALYSIS

S.B. 1154
By: Perry
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that the Texas Civil Commitment Office has been named as a defendant in several lawsuits by sexually violent predators challenging various aspects of the office's administrative rules or claiming that all procedures, including security and monitoring procedures, should be established as an administrative rule. In particular, concerns have been raised that the publication of security and monitoring procedures as administrative rules may place the safety of office facilities, staff, and the public at risk. S.B. 1154 seeks to ensure that office rules for civilly committed sexually violent predators are not subject to publication or judicial review under the Administrative Procedure Act and to provide for other powers and duties of the office with respect to committed persons.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1154 amends the Government Code to exempt from the Administrative Procedure Act a rule of the Texas Civil Commitment Office that applies to a person who is civilly committed as a sexually violent predator. The bill establishes that the act does not entitle any person to judicial review of any decision made or action taken under such a rule of the office.

S.B. 1154 amends the Health and Safety Code to include among the purposes for which the office may issue an emergency detention order for such a civilly committed person bringing 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 under the office's supervision. The bill requires a committed person, on request, to provide to the office any financial records or other information regarding the person's income, assets, and expenses to assist the office in determining whether the person is indigent for purposes of payment of certain costs associated with civil commitment.

EFFECTIVE DATE

September 1, 2019.