

SUBJECT: Continuing the Council on Sex Offender Treatment

COMMITTEE: Corrections — favorable, without amendment

VOTE: 5 ayes — Hightower, Allen, Alexander, Gray, Hupp

0 nays

4 absent — Edwards, Farrar, Marchant, Serna

WITNESSES: For — Deborah Moore, Texas Association of Sex Offender Treatment;
Vivian Lewis Heine; Charles McMurrey

Against — None

On — Grace Davis, Council on Sex Offender Treatment; Donna Flippin,
Texas Department of Health; Sharon Jones, Sunset Commission

BACKGROUND : In 1993, the Legislature created the Council on Sex Offender Treatment to succeed the Interagency Council on Sex Offender Treatment. The council serves a regulatory function by determining who may provide sex offender treatment. It develops eligibility requirements for registration as a sex offender treatment provider and regulates the use of this title. In addition, the council compiles a registry of sex offender treatment providers and trains providers on how to treat and supervise sex offenders. The council also serves as an information clearinghouse about the various methods of treatment available for sex offenders.

The council is governed by a three-member board appointed by the governor with the advice and consent of the Senate. Each board member must be a registered sex offender treatment provider.

The council is funded by a mix of general revenue funds, appropriated receipts and fee collections and grant monies. During fiscal 1995, the council received \$70,924 in general revenue funds, \$54,608 in appropriated receipts and collected fees and \$11,700 in grants.

The Council on Sex Offender Treatment is subject to the Sunset Act and underwent Sunset Advisory Commission review during the past interim. The council will be abolished September 1, 1997, unless continued by the Legislature.

DIGEST:

HB 2699 would continue the Council on Sex Offender Treatment until September 1, 2009, but would put its functions within the Texas Department of Health (TDH). The council would be able to adopt rules and procedures consistent with those of the Board of Health and the department.

The bill would increase the size of the council from three to six part-time members, including two from the general public and four who meet the council's requirements for sex offender treatment providers. The council would be allowed to reimburse board members for training-related travel expenses. A quorum of the council would be defined as four members.

HB 2699 would establish — rather than allow for — an interagency advisory committee to the council, composed of the executive head of or designated representative from the Texas Department of Criminal Justice, Texas Juvenile Probation Commission, Texas Department of Mental Health and Mental Retardation, Texas Youth Commission, Sam Houston State University, Department of Protective and Regulatory Services, and Texas Council of Community Mental Health and Mental Retardation, and the director or a designated representative of the criminal justice division of the Governor's Office and the sexual assault prevention and crisis services division of the Office of the Attorney General. The council could appoint additional members, as necessary, representing a public or private nonprofit entity with a demonstrated interest in improving the treatment of sex offenders. The committee would elect a presiding officer from its members.

The bill also would require rather than allow the council to charge fees to recover administration costs. Allowable fees would include registration and renewal fees for sex offender treatment providers. Collected fees would be sent to TDH.

HB 2699 would remove from the council responsibility for evaluating potential state sex offender treatment programs and transfer it to the Criminal Policy Justice Council.

HB 2699 would also add to the council's enabling statute standard sunset provisions addressing:

- public membership on state agency policymaking bodies;
- conflicts of interest of board members;
- board member appointment, training, and removal;
- designation of the board's presiding officer by the governor;
- conflicts of interest of board members;
- separation of policymaking and management responsibilities;
- public testimony at board meetings;
- notification of the public concerning agency activities;
- compliance with state open meetings and administrative procedures law;
- compliance with state and federal program and facility accessibility laws;
- placement of agency funds in the state treasury;
- collection and maintenance of information about complaints made against the council;
- preparation of an annual financial report;
- licensing procedures, including staggered renewal of licenses, transfer of out of state licenses, and renewal of delinquent licenses;
- disciplinary action and hearing requirements.

The bill would take effect September 1, 1997.

**SUPPORTERS
SAY:**

HB 2699 would protect the state's interest in sex offender treatment by continuing the Council on Sex Offender Treatment. State oversight ensures that sex offender treatment providers meet quality standards and that patients benefit from up-to-date methods of treatment.

HB 2699 would make the council more efficient by relocating it to TDH and thereby allowing the council's two staff members to pool existing state resources to accomplish common state agency functions. For example, TDH currently administers the regulatory programs for 14 health professions, including three that are prerequisites to council registration as a treatment provider. Since TDH is the agency that licenses related

professions, it is a natural fit for the council. Furthermore, by working with TDH, the council could focus more heavily on sex offender treatment issues.

In addition, HB 2699 would establish the interagency advisory committee as a permanent body so that the council could readily draw on the expertise of other state agencies with experience in the area of sex offenders and their treatment. With this committee, the council can draw on a wide range of knowledge rather than being limited to the issues and responses of a particular agency.

HB 2699 would transfer responsibility for evaluating the need for a state sex offender treatment program to the Criminal Justice Policy Council, which is skilled at researching state criminal justice policies and could provide a more impartial analysis of this issue.

Increasing the size and make-up of the council from three to six members would improve the council's ability to operate without violating the Open Meetings Act. Requiring public membership on the board would also ensure representation of a broad range of interests, not just those being regulated.

HB 2699 would require the council to provide for its own source of funding from grants and licensing fees. This would reduce its reliance on general revenue monies and ensure an available source of revenue to carry out the agency's tasks. As a result, the bill would result in a gain to general revenue of \$70,000 per year.

**OPPONENTS
SAY:**

Although HB 2699 is a laudable effort to consolidate state government, the Council on Sex Offender Treatment should not be housed within TDH. TDH is a regulatory agency that does not deal with criminal problems or corrections. Furthermore, it is a large bureaucracy in which the council's mission and clients could easily be lost.

A better place to house the council is the sexual assault prevention and crisis services division within the Office of the Attorney General. This would make a better fit for the council because it combines the criminal and regulatory sides of dealing with the problem of sexual assault.

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NOTES: The companion bill, SB 368 by Brown, has been referred to the Senate Criminal Justice Committee.