

BILL ANALYSIS

Senate Research Center
80R2782 KEL-D

S.B. 1741
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Due to need and anticipated approval of tripling the civil commitment program for sexually violent predators in Texas, creating a legitimate stand-alone agency is a necessary step to grow the program.

As proposed, S.B. 1741 creates a new Office of Violent Sex Offender Management (office) which will take on all duties and responsibilities of the current Council on Sex Offender Treatment. This bill transfers all authority, board members, duties, unexpended appropriations, assets, obligations, liabilities, employees, equipment, and files of the council to this new office.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Council on Sex Offender Treatment is transferred to the Office of Violent Sex Offender Management in SECTION 8 (Section 841.141, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle B, Title 4, Government Code, by adding Chapter 420A, as follows:

CHAPTER 420A. OFFICE OF VIOLENT SEX OFFENDER MANAGEMENT

Sec. 420A.001. DEFINITIONS. Defines "board" and "office."

Sec. 420A.002. OFFICE; GOVERNING BOARD. (a) Provides that the Office of Violent Sex Offender Management (office) is a state agency.

(b) Provides that the office is governed by a board composed of five members appointed by the governor.

(c) Sets forth the specific terms of board members.

(d) Entitles a board member to travel expenses incurred in performing official duties and to a per diem equal to the maximum amount allowed on January 1 of that year for federal employees per diem for federal income tax purposes, subject to the same limitations provided for members of state boards and commissions in the General Appropriations Act.

Sec. 420A.003. PRESIDING OFFICER; MEETINGS. (a) Requires the governor to designate a member of the board as presiding officer who serves at the discretion of the governor.

(b) Requires the board to meet at least once each month and at other times at the call of the presiding officer.

Sec. 420A.004. SUNSET PROVISION. Provides that the office is subject to Chapter 325 (Sunset Law). Provides that the office is abolished and the chapter expires September 1, 2019, unless continued as provided by Chapter 325.

Sec. 420A.005. STAFF. Authorizes the office to select and employ a general counsel, staff attorneys, and other staff necessary to perform the office's functions.

Sec. 420A.006. POWERS AND DUTIES. Requires the office to perform certain appropriate functions related to the sex offender civil commitment program provided under Chapter 841 (Civil Commitment Of Sexually Violent Predators), Health and Safety Code.

SECTION 2. Amends Sections 841.002(3) and (4), Health and Safety Code, to redefine "case manager" and define "office."

SECTION 3. Amends Section 841.007, Health and Safety Code, as follows:

Sec. 841.007. New heading: DUTIES OF OFFICE OF VIOLENT SEX OFFENDER MANAGEMENT. Provides that the office, rather than the Council on Sex Offender Treatment (council), is responsible for providing appropriate and necessary treatment and supervision through the case management system.

SECTION 4. Amends Section 841.022(a), Health and Safety Code, as follows:

(a) Requires the executive director of the Texas Department of Criminal Justice (director) and the commissioner of the Department of State Health Services (DSHS), rather than the Texas Department of Mental Health and Mental Retardation, to jointly establish a multidisciplinary team to review available records of a person referred to the team under Section 841.021 (Notice of Potential Predator). Makes conforming changes.

SECTION 5. Amends Sections 841.082(a) and (c), Health and Safety Code, to make conforming changes.

SECTION 6. Amends Section 841.083, Health and Safety Code, to make conforming changes.

SECTION 7. Amends Section 841.101, Health and Safety Code, to make conforming changes.

SECTION 8. Amends Section 841.141, Health and Safety Code, to making conforming changes.

SECTION 9. Amends Sections 841.142(c) and (d), Health and Safety Code, to making conforming changes.

SECTION 10. Amends Section 841.147, Health and Safety Code, to provide that an employee or officer of the Departments of Aging and Disability Services are immune from liability for good faith conduct under this chapter (Civil Commitment Of Sexually Violent Predators) and to make conforming changes.

SECTION 11. Provides that the functions of the council that relate to the sex offender civil commitment program are transferred to the office.

SECTION 12. Requires the governor to appoint five members to the office as soon as possible after the effective date of this Act.

SECTION 13. (a) Requires the office and the council to coordinate the transfer of functions relating to the sex offender civil commitment program as required by this Act.

(b) Requires the transfer of all functions relating to the sex offender civil commitment program to the office to be accomplished as soon as possible but not later than 45 days after the date that the last member of the office qualifies to be a member.

(c) Sets forth certain duties that are included in the transfer required by this Act.

(d) Provides that a form, rule, or procedure adopted by the Health and Human Services Commission or DSHS in relation to the council that is in effect on the effective date of

this Act remains in effect on and after that date as if adopted by the office until amended, repealed, withdrawn, or otherwise superseded by that office.

(e) Provides that all unexpended appropriations for functions relating to the sex offender civil commitment program that are made for use by the council are transferred to the office.

(f) Requires the office to publish in the Texas Register the date on which the transfer of functions under this Act is accomplished.

SECTION 14. Requires the office, after the effective date of this Act, to continue to perform applicable functions until the transfer of functions required by the Act is completed, and the laws providing for those functions are continued in effect for that purpose.

SECTION 15. Effective date: upon passage or September 1, 2007.