

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1154
By: Perry
Criminal Justice
4/5/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Civil Commitment Office (TCCO) is responsible for providing appropriate and necessary treatment and supervision for sexually violent predators through the case management system. Over the course of operation, TCCO has experienced several administrative and legal loopholes.

Administrative Rule

TCCO has been named as a defendant in several lawsuits by sexually violent predators challenging various aspects of the administrative rules or claiming that all procedures, including security and monitoring procedures, should be codified as an administrative rule. The publication of security and monitoring procedures as administrative rules would place the safety of TCCO facilities, staff, vendors, and the public at risk by providing sensitive security information to the general public and to civilly committed sexually violent predators.

This bill would create an exception stating that TCCO would not be required to adopt administrative rules for rules or internal procedures that apply to civilly committed sexually violent predators. This exception is already under current law for TDCJ.

Financial Information

Section 841.084 of the Health and Safety Code requires that civilly committed sexually violent predators reimburse the state for the cost of their housing, treatment, and GPS tracking. However, the statute does not currently provide a mechanism to require the sexually violent predator to provide his financial information to TCCO.

This bill would require the sexually violent predator to provide TCCO with information related to their income, assets, and expenses so that the state can accurately assess the amounts owed to the state to offset the costs of housing, treatment, and GPS tracking.

Emergency Detention Order

C.S.S.B. 1576 (85R) gave TCCO the ability to issue an emergency detention order in the event that a civilly committed sexually violent predator is returned to a TCCO facility from a less restrictive setting. However, an unintended loophole exists because the statute does not permit TCCO 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 rectify this. (Original Author's/Sponsor's Statement of Intent)

S.B. 1154 amends current law relating to the powers and duties of the Texas Civil Commitment Office and to certain requirements regarding the payment of costs associated with civil commitment by persons civilly committed as 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 Subchapter I, Chapter 2001, Government Code, by adding Section 2001.227, as follows:

Sec. 2001.227. TEXAS CIVIL COMMITMENT OFFICE. Provides that this chapter (Administrative Procedure) does not:

- (1) apply to a rule of the Texas Civil Commitment Office (TCCO) that applies to a person who is civilly committed as a sexually violent predator under Chapter 841 (Civil Commitment of Sexually Violent Predators), Health and Safety Code; or
- (2) entitle any person to judicial review of any decision made or action taken under a rule described by Subdivision (1).

SECTION 2. 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 TCCO-designated location for the purpose of:

- (1) returning the person to a more restrictive setting following:
 - (A) a transfer to less restrictive housing and supervision under Section 841.0834 (Movement Between Programming Tiers); or
 - (B) 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 Subsection (a) defining "peace officer" for purposes of this section. Deletes existing Subsection (b) 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 3. 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 (Payment of Costs by Committed Person).

SECTION 4. Effective date: September 1, 2019.