

## BILL ANALYSIS

Senate Research Center  
84R2240 KJE-F

S.B. 746  
By: Whitmire  
Criminal Justice  
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### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 746 as introduced is designed to address the growing crisis of the civil commitment of sexually violent predators program that could result in a major threat to the public safety in Texas. The civil commitment process is designed to provide a safety net for high risk repeat sex offenders who have a legislatively created diagnoses of a brain amorality that could lead to future sex assaults. Horrible mismanagement of the Office of Violent Sex Offender Management (OVSOM) has led to the total replacement of that office's management and restructure of its oversight board. Among the findings by the State Auditor's Office are:

1. OVSOM did not plan for treatment services.
2. OVSOM did not monitor contractor performance.
3. OVSOM has not implemented a budgeting process to identify or plan for services it provides, and it did not ensure that funds would be available to meet its needs.
4. OVSOM did not have adequate controls over access to the system that it uses to manage case managers' caseloads. Auditors identified 14 former employees and contractors who still had access to the case management system, and two of those individuals had administrator access.
5. OVSOM did not have controls over the management of certain contracting processes.
6. By not planning for the transportation services, OVSOM did not develop the contracts properly and was not maximizing its use of state funds.
7. OVSOM did not have policies and procedures addressing conflicts of interest.
8. OVSOM did not have contingency plans if a provider was no longer able to provide housing services.
9. OVSOM had no evidence of its monitoring of the vendors that house sexually violent predators through memorandums of understanding.
10. OVSOM had not implemented certain processes for budgeting, review of expenditures, fee processing, and access to its case management system. Those issues hindered OVSOM's ability to maximize the use of state funds.
11. Auditors tested 115 OVSOM expenditures totaling \$1,110,140. For 45 (39 percent) of those 115 expenditures, OVSOM did not have adequate supporting documentation for the associated services and/or the services provided were not specified on the contract.
12. OVSOM also did not have policies and procedures for its review of expenditures, and it could not specify which staffs were responsible for reviewing invoices from transportation contractors.
13. Auditors could not find evidence that OVSOM used the revenue from the fees it had collected to offset the cost of GPS, as statute requires.

Also the court that conducts the civil commitment trial is a specialty court, the 435th district Court of Montgomery County, with state employees under the Special Prosecutors as prosecutors and Texas Board of Criminal Justice Office of State Counsel for Offenders as defense attorneys. The court is currently in complete disarray. Public statements by the elected judge from Montgomery County have rendered him ineffective and led to his recusal from hearing cases he is designated by statute to hear. This is having a negative impact on the entire 2nd Administrative Judicial District impacting 35 other counties.

Also, due to the above mismanagement issue, all major vendors who currently house these individuals have notified OVSOM that they will no longer house them after August 2015.

The legislature can fix these problems, wait until the federal courts step in, or abolish the program. Considering that we have over 25,000 sex offenders in prison and approximately 1,800 discharging their sentences each year, and over 380 already civilly committed, a public safety crisis is in our very near future.

As proposed, S.B. 746 amends current law relating to the civil commitment of sexually violent predators.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Texas Department of State Health Services, as the successor agency to TDH.]

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Office of Violent Sex Offender Management is transferred to the Texas Civil Commitment Office and modified in SECTION 25 (Section 841.141(b), Health and Safety Code) in this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 841.002(3), (4), (5), and (8), Health and Safety Code, as follows:

(3) Redefines "case manager."

(4) Defines "office" to mean the Texas Civil Commitment Office, rather than the Office of Violent Sex Offender Management.

(5) Redefines "predatory act" to mean an act directed toward a stranger, a person of casual acquaintance with whom no substantial personal relationship exists, or a person with whom a relationship has been established or promoted for the primary purpose of victimization, rather than an act directed toward individuals, including family members, for the primary purpose of victimization.

(8) Redefines "sexually violent offense."

SECTION 2. Amends Section 841.003(b), Health and Safety Code, to delete existing text providing that a person is a repeat sexually violent offender for the purposes of this chapter if the person is convicted of more than one sexually violent offense and a sentence is imposed for at least one of the offenses if certain other conditions apply.

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

Sec. 841.007. New heading: DUTIES OF TEXAS CIVIL COMMITMENT OFFICE. Provides that the Texas Civil Commitment Office (office), rather than the Office of Violent Sex Offender Management, is responsible for providing appropriate and necessary treatment and supervision for committed persons through the case management system, and developing and implementing a sex offender treatment program for persons committed under this chapter.

SECTION 4. Amends Subchapter A, Chapter 841, Health and Safety Code, by adding Section 841.008, as follows:

Sec. 841.008. RIGHTS OF COMMITTED PERSONS. (a) Defines "individualized treatment" in this section.

(b) Provides that a person committed under this chapter:

(1) has the right to adequate care and individualized treatment;

(2) does not forfeit any legal right or suffer any legal disability as a consequence of that commitment, other than as specifically provided by this chapter or other law; and

(3) is entitled to seek relief from commitment by any available legal method, including by application for writ of habeas corpus.

SECTION 5. Amends Section 841.021, Health and Safety Code, as follows:

Sec. 841.021. NOTICE OF POTENTIAL PREDATOR. (a) Requires the Texas Department of Criminal Justice (TDCJ), except as provided by Subsection (d), before the person's anticipated sentence discharge date, rather than release date, to give to the multidisciplinary team established under Section 841.022 (Multidisciplinary Team) written notice of the anticipated sentence discharge, rather than release, of a person who is not released or scheduled to be released on parole or to mandatory supervision.

Redesignates Subdivision (2) as Subdivision (3).

(b) Requires the Department of State Health Services (DSHS), except as provided by Subsection (d), before the person's anticipated discharge date from a state hospital, to give the multidisciplinary team established under Section 841.022 written notice of the anticipated discharge of a person who meets certain criteria.

(c) Requires TDCJ or DSHS, as appropriate, to give the notice described by Subsection (a) or (b) not later than the first day of the 16th month before the person's anticipated sentence discharge date or anticipated discharge date from a state hospital, rather than sentence release or discharge date, but under exigent circumstances may give the notice at any time before that date, rather than before the anticipated release of discharge date. Requires that the notice contain the person's name, identifying factors, anticipated residence after discharge, rather than anticipated residence after release or discharge, and criminal history. Requires that the notice contain an assessment of the likelihood that the person will commit a sexually violent offense after discharge, rather than after release or discharge.

(d) Prohibits TDCJ and DSHS from providing notice under Subsection (a) or (b) of the anticipated discharge date of a person for whom the Texas Department of Health (TDH) has previously provided notice under this section and who has been previously recommended for an assessment under Section 841.022 unless, after the recommendation for assessment was made:

(1) the person is convicted of, or adjudged not guilty by reason of insanity of, a new sexually violent offense; or

(2) the person's parole or mandatory supervision is revoked based on the commission of a new sexually violent offense, failure to adhere to the requirements of sex offender treatment and supervision, or failure to register as a sex offender.

SECTION 6. Amends Section 841.022, Health and Safety Code, by amending Subsections (a) and (c) and adding Subsection (a-1), as follows:

(a) Requires the multidisciplinary team to include:

(1) a mental health professional from DSHS;

(2) two persons from TDCJ as follows:

(A) one person from the victim services office; and

(B) one person from the sex offender rehabilitation program in the rehabilitation programs division;

(3) a licensed peace officer who is employed by Department of Public Safety of the State of Texas (DPS) and who has at least five years' experience working for DPS;

(4) two persons from the office; and

(5) a licensed sex offender treatment provider from the Council on Sex Offender Treatment.

Deletes existing text requiring the team to include one person from DSHS, two persons from TDCJ, one of whom must be from the victim services office of that department, one person from DPS, two persons from the office or office personnel, and one person from the Council on Sex Offender Treatment.

(a-1) Requires TDCJ, in consultation with the office, to provide training to the members of the multidisciplinary team regarding the civil commitment program under this chapter, including training regarding eligibility criteria for commitment, the process for evaluating persons for commitment, and the sex offender treatment program for persons committed under this chapter.

(c) Requires the team, not later than the 60th day after the date the multidisciplinary team receives notice under Section 841.021(a) or (b), to assess whether the person is a repeat sexually violent offender and whether the person is likely to commit a sexually violent offense after discharge, rather than after release or discharge; give notice of that assessment to TDCJ or DSHS, rather than to TDCJ or the Texas Department of Mental Health and Mental Retardation, as appropriate; and recommend the assessment of the person for a behavioral abnormality, as appropriate.

SECTION 7. Amends Section 841.041, Health and Safety Code, by amending Subsection (a) and adding Subsections (a-1) and (c), as follows:

(a) Authorizes an attorney, except as provided by Subsection (a-1), if a person is referred to the attorney representing the state under Section 841.023 (Assessment for Behavioral Abnormality), to file, with the presiding judge of the Second Administrative Judicial Region, rather than in a Montgomery County district court other than a family district court, a petition alleging that the person is a sexually violent predator and stating facts sufficient to support the allegation.

(a-1) Prohibits a petition from being filed against a person who is released on parole or to mandatory supervision.

(c) Requires the presiding judge of the Second Administrative Judicial Region, not later than the 30th day after the date the petition is filed, to assign the petition to a district court in the region, other than a family district court.

SECTION 8. Amends Section 841.061(a), Health and Safety Code, to require the applicable district court judge to conduct a trial to determine whether a person is a sexually violent predator not later than the 270th day after the later of the date on which the petition is assigned under Section 841.041 to the district court, or the date the petition is served on the person. Makes nonsubstantive changes.

SECTION 9. Amends Subchapter D, Chapter 841, Health and Safety Code, by adding Section 841.065, as follows:

Sec. 841.065. AGREED ORDER. Requires an agreed order of civil commitment to require the person to submit to the treatment and supervision administered by the office.

SECTION 10. Amends Section 841.081, Health and Safety Code, to change references to outpatient treatment to treatment, to change a reference to the person's release to the person's discharge, and to change references to case manager to office.

SECTION 11. Amends Sections 841.082(a) and (b), Health and Safety Code, as follows:

(a) Changes a reference to a person's outpatient civil commitment to a person's civil commitment. Requires the requirements necessary to ensure the person's compliance with treatment and supervision and to protect the community to include:

(1) requiring the person to reside where instructed by the office, rather than requiring the person to reside in a Texas residential facility under contract with the office or at another location or facility approved by the office;

(2) prohibiting the person's contact with a victim, rather than with a victim or potential victim, of the person;

(3) requiring the person's participation in and compliance with the sex offender treatment program, rather than with a specific course of treatment, provided by the office and compliance with all written requirements imposed by the office, rather than imposed by the case manager or otherwise by the office;

(4) requiring the person to submit to tracking under a particular type of tracking service and to any other appropriate supervision, and refrain from tampering with, altering, modifying, obstructing, or manipulating the tracking equipment; and

(5) prohibiting the person from leaving the state without prior authorization from the office, rather than prohibiting the person from changing the person's residence without prior authorization from the judge and from leaving the state without that prior authorization.

Deletes existing Subdivision (3) including prohibiting the person's possession or use of alcohol, inhalants, or a controlled substance in the necessary requirements.

Deletes existing Subdivision (7) including that if determined appropriate by the judge, establishing a child safety zone in the same manner as a child safety zone is established by a judge under Section 13B (Defendants Placed on Community Supervision for Sexual Offenses Against Children), Article 42.12, Code of Criminal Procedure, and requiring the person to comply with requirements related to the safety zone in the necessary requirements.

Deletes existing Subdivision (8) including any other requirements determined necessary by the judge in the necessary requirements.

(b) Requires that a tracking service to which a person is required to submit under Subsection (a)(4):

(1) track the person's location in real time;

(2) be able to provide a real-time report of the person's location to the office on request, rather than to the case manager at the case manager's request; and

(3) periodically provide a cumulative report of the person's location to the office, rather than to the case manager.

SECTION 12. Amends Subchapter E, Chapter 841, Health and Safety Code, by adding Section 841.0821, as follows:

Sec. 841.0821. SEX OFFENDER TREATMENT BEFORE DISCHARGE FROM SECURE CORRECTIONAL FACILITY. (a) Requires TDCJ to prioritize enrolling a committed person in a sex offender treatment program established by TDCJ.

(b) Requires TDCJ and the office to adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care for committed persons enrolled in a sex offender treatment program established by TDCJ.

SECTION 13. Amends Section 841.083, Health and Safety Code, as follows:

Sec. 841.083. TREATMENT; SUPERVISION. (a) Requires the office to determine the conditions of supervision and treatment of a committed person, rather than the office is required to approve and contract for the provision of a treatment plan for the committed person to be developed by the treatment provider. Deletes existing text authorizing a treatment plan to include the monitoring of the person with a polygraph or plethysmograph. Deletes existing text authorizing the treatment provider to receive annual compensation in an amount not to exceed \$10,000 for providing the required treatment.

(b) Requires the office, rather than the case manager, to provide supervision to the person. Requires the provision of supervision to include a tracking service and, if determined necessary by the office, rather than if required by court order, supervised housing.

(c) Changes a reference to DPS to TDCJ.

(d) Requires the office to enter into appropriate contracts, rather than memoranda of understanding, for any necessary supervised housing and other services, including medical and mental health services and sex offender treatment. Deletes existing text requiring the office to reimburse the applicable provider for housing costs under this section.

(e) Requires the case manager to:

(1) coordinate the treatment, rather than outpatient treatment, and supervision required by this chapter, including performing a periodic assessment of the success of that treatment and supervision; and

(2) provide a report to the office, semiannually or more frequently as necessary, which is required include any known change in the person's status that affects proper treatment and supervision.

Deletes existing text providing that the report is required to include any recommendations made to the judge.

Deletes existing Subdivision (2) requiring the case manager to make timely recommendations to the judge on whether to allow the committed person to change residence or to leave the state and on any other appropriate matters. Makes nonsubstantive changes.

SECTION 14. Amends Subchapter E, Chapter 841, Health and Safety Code, by adding Sections 841.0831, 841.0832, 841.0833, 841.0834, and 841.0835, as follows:

Sec. 841.0831. TIERED PROGRAM. (a) Requires the office to develop a tiered program for the supervision and treatment of a committed person.

(b) Requires that the tiered program provide for the seamless transition of a committed person from a total confinement facility to less restrictive housing and

supervision and eventually to release from civil commitment, based on the person's behavior and progress in treatment.

Sec. 841.0832. HOUSING FACILITIES. (a) Requires the office to operate, or contract with a vendor to operate, one or more facilities to house committed persons.

(b) Requires the office to designate a facility under Subsection (a) to serve as an intake and orientation facility for committed persons on sentence discharge or discharge from a state hospital.

Sec. 841.0833. SECURITY AND MONITORING. Requires the office to develop procedures for the security and monitoring of committed persons in each programming tier.

Sec. 841.0834. MOVEMENT BETWEEN PROGRAMMING TIERS. (a) Requires the office to transfer a committed person to less restrictive housing and supervision if the transfer is in the best interests of the person and conditions can be imposed that adequately protect the community.

(b) Authorizes a committed person to file a petition with the court for transfer to less restrictive housing and supervision without the office's approval. Requires the court to grant the transfer if the court determines by clear and convincing evidence that the transfer is in the best interests of the person and conditions can be imposed that adequately protect the community.

(c) Requires the office to return a committed person who has been transferred to less restrictive housing and supervision to a more restrictive setting if the office considers the transfer necessary to further treatment and to protect the community. Requires that the decision to transfer the person be based on the person's behavior or progress in treatment.

(d) Entitles a committed person returned to a more restrictive setting under Subsection (c) to file a petition with the court seeking review of the office's determination. Requires the court to order the office to transfer the person to less restrictive housing and supervision only if the court determines that the office's determination was arbitrary, irrational, or not made in accordance with Subsection (c).

Sec. 841.0835. COMMITTED PERSONS WITH SPECIAL NEEDS. Requires the Health and Human Services Commission (HHSC) to coordinate with the office to provide psychiatric services, disability services, and housing for a committed person with an intellectual or developmental disability, a mental illness, or a physical disability that prevents the person from effectively participating in the sex offender treatment program administered by the office.

SECTION 15. Amends Section 841.084, Health and Safety Code, as follows:

Sec. 841.084. New heading: PAYMENT OF COSTS BY COMMITTED PERSON. (a) Creates this subsection from existing text. Provides that, notwithstanding Section 841.146(c), a civilly committed person who is not indigent:

(1) is responsible for the cost of:

(A) housing and treatment provided under this chapter; and

(B) the tracking service required by Section 841.082 (Commitment Requirements); and

(2) monthly is required to pay to the office the amount that the office determines will be necessary to defray the cost of providing the housing,

treatment, and service with respect to the person, rather than with respect to the person during the subsequent month. Deletes existing text requiring the office to immediately transfer the money to the appropriate service provider.

(b) Requires that money collected under this section be deposited to the credit of the account from which the costs were originally paid.

SECTION 16. Amends Section 841.085(a), Health and Safety Code, to provide that a person commits an offense if, after having been adjudicated and civilly committed as a sexually violent predator under this chapter, the person violates a civil commitment requirement imposed under Section 841.082(a)(1) (requiring a person who will begin an outpatient civil commitment to reside in a Texas residential facility under contract with the office or at another location or facility approved by the office), (2) (prohibiting a person who will begin an outpatient civil commitment from contacting a victim or potential victim of the person), (4) (requiring the participation in and compliance with a specific course of treatment provided by the office and compliance with all written requirements imposed by the case manager or otherwise by the office by a person who will begin an outpatient civil commitment), or (5) (requiring a person who will begin an outpatient civil commitment to submit to tracking under a particular type of tracking service and to any other appropriate supervision, and refrain from tampering with, altering, modifying, obstructing, or manipulating with tracking equipment) pursuant to a civil commitment order that is not subject to appeal at the time of the offense, rather than under Section 841.082.

SECTION 17. Amends Section 841.101(b), Health and Safety Code, to require the office, rather than the case manager, to provide a report of the biennial examination to the judge in preparation for a judicial review. Deletes existing text requiring the case manager to provide a copy of the report to the office.

SECTION 18. Amends Section 841.102(a), Health and Safety Code, to require the judge, not later than the 60th day after the date of receipt of the report submitted under Section 841.101 (Biennial Examination), to conduct a biennial review of the status of the committed person and issue an order concluding the review or setting a hearing under Subsection (c).

SECTION 19. Amends Subchapter F, Chapter 841, Health and Safety Code, by adding Section 841.104, as follows:

Sec. 841.104. INTERLOCUTORY APPEAL. Provides that an order denying a hearing under Section 841.102(c) (relating to the setting of a hearing by a judge at the biennial review if it is determined that a requirement imposed on the person under this chapter should be modified, or probable cause exists to believe that the person's behavioral abnormality has changed to the extent that the person is no longer likely to engage in a predatory act of sexual violence) or a release from civil commitment after a hearing under that subsection is subject to interlocutory appeal to an appropriate appellate court.

SECTION 20. Amends Section 841.121(a), Health and Safety Code, to change references to case manager to office.

SECTION 21. Amends Section 841.122, Health and Safety Code, to change references to case manager to office.

SECTION 22. Amends Sections 841.123(a), (b), and (c), Health and Safety Code, as follows:

(a) Changes a reference to the case manager's authorization to the office's authorization.

(b) Requires the judge to review and issue a ruling on a petition for release filed by the committed person without the office's authorization not later than the 60th day after the date of filing of the petition. Deletes existing text requiring the judge to attempt as soon as practicable to review the petition. Makes a conforming change.

(c) Makes conforming changes.

SECTION 23. Amends Section 841.124(a), Health and Safety Code, to require the judge to conduct a hearing on the petition not later than the 60th day after the date of filing of the petition if as authorized by Section 841.123 the judge does not deny a petition for release filed by the committed person without the office's, rather than the case manager's, authorization. Deletes existing text requiring the hearing to be conducted as soon as possible.

SECTION 24. Amends Subchapter G, Chapter 841, Health and Safety Code, by adding Section 841.125, as follows:

Sec. 841.125. INTERLOCUTORY APPEAL. Provides that an order denying an authorized or unauthorized petition for release under this subchapter or denying a release from civil commitment after a hearing under Section 841.124 (Hearing on Unauthorized Petition for Release) is subject to interlocutory appeal to an appropriate appellate court.

SECTION 25. Amends Section 841.141(b), Health and Safety Code, to require the office to adopt rules to develop standards of care and case management for persons committed under this chapter, determine the conditions of supervision and treatment of a committed person, and develop and implement the tiered program described by Section 841.0831, including rules regarding a committed person's transition between programming tiers. Makes a nonsubstantive change.

SECTION 26. Amends Section 841.142(b), Health and Safety Code, to change a reference to case manager to office.

SECTION 27. Amends Section 841.146(c), Health and Safety Code, to change references to outpatient treatment to treatment.

SECTION 28. Amends Section 841.150, Health and Safety Code, as follows:

Sec. 841.150. New heading: EFFECT OF SUBSEQUENT DETENTION, CONFINEMENT, OR COMMITMENT ON ORDER OF CIVIL COMMITMENT. (a) Provides that the duties imposed by this chapter are suspended for the duration of a detention or confinement of a committed person in a correctional facility, secure correctional facility, or secure detention facility, or if applicable any other commitment of the person to a community center, mental health facility, or state supported living center, rather than state school, by governmental action. Makes nonsubstantive changes.

(b) Defines "correctional facility," "secure correctional facility," "secure detention facility," and "state supported living center," rather than "state school," in this section.

SECTION 29. Amends Sections 841.151(b) and (c), Health and Safety Code, to change a reference to Section 841.082 to Section 841.082(a)(1), (2), (4), or (5), and to include the office as an entity required to be notified in writing by the facility of the anticipated date and time of the release of a person who was civilly committed under this chapter as a sexually violent predator.

SECTION 30. Reenacts and amends Section 51.014(a), Civil Practice and Remedies Code, as amended by Chapters 44 (H.B. 200) and 1042 (H.B. 2935), Acts of the 83rd Legislature, Regular Session, 2013, to include that a person is authorized to appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that denies a hearing, petition, or release from civil commitment under Subchapter F or G, Chapter 841, Health and Safety Code.

SECTION 31. Reenacts and amends Section 51.014(b), Civil Practice and Remedies Code, as amended by Chapters 916 (H.B. 1366) and 1042 (H.B. 2935), Acts of the 83rd Legislature, Regular Session, 2013, to include that an interlocutory appeal under Subsection (a)(14) also stays all other proceedings in the trial court pending resolution of that appeal.

SECTION 32. Amends Article 13.315, Code of Criminal Procedure, as follows:

Art. 13.315. FAILURE TO COMPLY WITH SEXUALLY VIOLENT PREDATOR CIVIL COMMITMENT REQUIREMENT. Authorizes an offense under Section 841.085, Health and Safety Code, to be prosecuted in the county in which any element of the offense occurs or in the court that retains jurisdiction over the civil commitment proceeding under Section 841.082, Health and Safety Code, rather than authorizes an offense under Section 841.085, Health and Safety Code, to be prosecuted in the county in which any element of the offense occurs or in Montgomery County.

SECTION 33. Amends Section 411.1389, Government Code, as follows:

Sec. 411.1389. New heading: ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS CIVIL COMMITMENT OFFICE. (a) Entitles the Texas Civil Commitment Office, rather than the Office of Violent Sex Offender Management, to obtain from the DPS criminal history record information that is maintained by DPS and that relates to a person who has applied with the office to be an employee of the office, or a contracted service provider with the office.

(b)-(c) Makes conforming changes.

SECTION 34. Amends the heading to Chapter 420A, Government Code, to read as follows:

#### CHAPTER 420A. TEXAS CIVIL COMMITMENT OFFICE

SECTION 35. Amends Section 420A.001, Government Code, as follows:

Sec. 420A.001. DEFINITIONS. Redefines "board" and "office" to incorporate conforming changes.

SECTION 36. Amends Sections 420A.002(a), (b), and (c), Government Code, as follows:

(a) Makes a conforming change.

(b) Provides that the office is governed by a board composed of five, rather than three, members, appointed by the governor, including one member experienced in the management of sex offenders, one member experienced in the investigation or prosecution of sex offenses, and one member experienced in counseling or advocating on behalf of victims of sexual assault.

(c) Provides that members of the governing board of the office serve staggered two-year terms. Provides that three, rather than two, members' terms expire February 1 of each even-numbered year and two member's terms expire, rather than one members' term expires, February 1 of each odd-numbered year.

SECTION 37. Amends Section 420A.004, Government Code, to provide that the Texas Civil Commitment Office, rather than the Office of Violent Sex Offender Management, is subject to Chapter 325 (Texas Sunset Act), Government Code.

SECTION 38. Repealer: Section 24.579(b) (requiring the 435th District Court to give preference to civil commitment proceedings, criminal cases involving certain offenses, and matters assigned by the administrative judge), Government Code.

SECTION 39. Provides that the changes in law made by this Act to Chapter 841, Health and Safety Code, apply to a civil commitment proceeding under that chapter that is initiated on or after the effective date of this Act, regardless of when the applicable petition for civil commitment was filed.

SECTION 40. Provides that the change in law made by this Act in amending Section 841.085, Health and Safety Code, applies to an offense committed before, on, or after the effective date of

this Act, except that a final conviction for an offense under that section that exists on the effective date of this Act remains unaffected by this Act.

SECTION 41. Requires the governor, as soon as practicable after the effective date of this Act, to appoint the additional members to the governing board of the Texas Civil Commitment Office, as required by Section 420A.002, Government Code, as amended by this Act. Requires the governor, in making those appointments, to appoint one member to a term expiring February 1, 2016, and one member to a term expiring February 1, 2017.

SECTION 42. Provides that to the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 43. Effective date: September 1, 2015.