

BILL ANALYSIS

Senate Research Center
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S.B. 1575
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Civil Commitment Office (TCCO), formerly known as the Office of Violent Sex Offender Management, receives administrative support from the Texas Health and Human Services Commission.

Currently, qualified vendors who provide security, sex offender treatment services, and other staff for sexually violent predators (SVPs) statewide under the oversight of the Texas Civil Commitment Office could be assaulted, which is a misdemeanor offense. Interested parties note that a misdemeanor offense is an insufficient deterrent for these offenders.

S.B. 1575 enhances penalties from a misdemeanor to a second-degree felony for sex offenders who assault security, chunk, and commit other violent offenses against treatment service providers, and staff.

As proposed, S.B. 1575 amends current law relating to the prosecution of the offenses of assault and harassment by persons committed to certain facilities; and increases a criminal penalty.

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 Section 1.07, Penal Code, by adding Subdivision (8-a), to define "civil commitment facility" (facility).

SECTION 2. Amends Section 22.01, Penal Code, by amending Subsections (b-1) and (f) and adding Subsection (b-2), as follows:

(b-1) Provides that an offense under Subsection (a-1), notwithstanding Subsection (b), is a felony of the third degree if the offense is committed:

(1) while the actor is committed to a facility; and

(2) against:

(A) an officer or employee of the Texas Civil Commitment Office (TCCO), while the officer or employee is lawfully discharging an official duty at a facility, or in retaliation for or on account of an exercise of official power or performance of an official duty by the officer or employee; or

(B) a person who contracts with the state to perform a service in a facility or an employee of that person while the person or employee is engaged in performing a service within the scope of the contract, if the actor knows the person or employee is authorized by the state to provide the service, or

in retaliation for or on account of the person's or employee's performance of a service within the scope of the contract.

(b-2) Creates this subsection from existing text and makes no further changes.

(f) Provides that for the purposes of Subsections (b)(2)(A) and (b-2)(2), rather than Subsections (b)(2)(A) and (b-1)(2), a defendant has been previously convicted of an offense listed in those subsections committed against a person whose relationship to or association with the defendant is described by 71.0021(b) (relating to the definition of a "dating relationship"), 71.003 (Family), or 71.005 (Household), Family Code, if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision; and a conviction under the laws of another state for an offense containing elements that are substantially similar to the elements of an offense listed in those subsections is a conviction of the offense listed.

SECTION 3. Amends the heading to Section 22.11, Penal Code, to read as follows:

Sec. 22.11. HARASSMENT BY PERSONS IN CERTAIN FACILITIES;
HARASSMENT OF PUBLIC SERVANT.

SECTION 4. Amends Sections 22.11(a) and (e), Penal Code, as follows:

(a) Provides that a person commits an offense if, with the intent to assault, harass, or alarm, the person:

(1) makes a nonsubstantive change to this subdivision;

(2) while committed to a facility causes:

(A) an officer or employee of TCCO to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person, or an animal while the officer or employee is lawfully discharging an official duty at a civil commitment facility, or in retaliation for or on account of an exercise of official power or performance of an official duty by the officer or employee; or

(B) a person who contracts with the state to perform a service in the facility or an employee of that person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of the actor, any other person or animal while the person or employee is engaged in performing a service within the scope of the contract, if the actor knows the person or employee is authorized by the state to provide the service, or in retaliation for or on account of the person's or employees performance of a service within the scope of the contract; or

(3) creates this subdivision from existing text and makes no further changes.

(e) Provides that the actor, for purposes of Subsection (a)(3), rather than (a)(2), is presumed to have known the person was a public servant if the person was wearing a distinctive uniform or badge indicating the person's employment as a public servant.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2017.