

BILL ANALYSIS

C.S.H.B. 678
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note recent events in which civil commitment facilities housing violent sex offenders were moved into certain neighborhoods in Texas without notice to area legislators. Given that many neighborhood residents were informed of the presence of these sex offenders after the offenders had already relocated, these parties believe stricter regulations regarding the relocating of such individuals is needed. The parties further assert that recent construction of these facilities without notice to area legislators is problematic. C.S.H.B. 678 seeks to remedy these situations.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 678 amends the Health and Safety Code to require the Office of Violent Sex Offender Management to provide advance notice of any intent to house one or more civilly committed sexually violent predators at a new residence or facility that has not previously served as housing for such persons. The bill requires a vendor to provide advance notice of any intent to submit a proposal to the office for the construction or renovation of a residence or facility that will serve as a new location for housing such sexually violent predators. The bill requires a vendor to provide written notice to each member of the legislature who represents a district containing territory in the affected county not later than the 30th day before the date that the vendor will submit such a proposal to the office. The bill requires the office to provide written notice to each member of the legislature who represents a district containing territory in the affected county as soon as practicable after awarding a contract for the construction or renovation of a residence or facility that will serve as a new location for housing such sexually violent predators or, if a construction or renovation contract is unnecessary for the purpose, not later than the 30th day before the date the residence or facility will first be used as housing for such sexually violent predators. The bill authorizes the office, if a construction or renovation contract is unnecessary, to provide the required notice not later than 72 hours before transferring a committed person to the residence or facility if the transfer is necessary due to a medical emergency, a serious behavioral or health and safety issue, or release from a secure correctional facility.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 678 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter E, Chapter 841, Health and Safety Code, is amended by adding Section 841.0845 to read as follows:

Sec. 841.0845. NOTICE OF INTENT TO HOUSE COMMITTED PERSONS AT NEW RESIDENCE OR FACILITY.

(a) The office shall provide advance notice of any intent to house one or more committed persons at a new residence or facility that has not previously served as housing for committed persons under this chapter.

(b) Notice must be provided in writing to each member of the legislature who represents a district containing territory in the affected county as follows:

(1) not later than the 30th day before the date that the office will enter into a contract to construct or renovate a residence or facility to begin serving as housing for committed persons under this chapter; or

(2) if a construction or renovation contract is unnecessary for the purpose, not later than the 30th day before the date that the residence or facility will first begin serving as housing for committed persons under this chapter.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter E, Chapter 841, Health and Safety Code, is amended by adding Section 841.0845 to read as follows:

Sec. 841.0845. NOTICE OF INTENT REGARDING NEW RESIDENCE OR FACILITY.

(a) The office shall provide advance notice of any intent to house one or more committed persons at a new residence or facility that has not previously served as housing for committed persons under this chapter.

(b) A vendor shall provide advance notice of any intent to submit a proposal to the office for the construction or renovation of a residence or facility that will serve as a new location for housing committed persons under this chapter.

(c) Notice must be provided in writing to each member of the legislature who represents a district containing territory in the affected county as follows:

(1) by a vendor, not later than the 30th day before the date that the vendor will submit a proposal described by Subsection (b) to the office; and

(2) by the office:

(A) as soon as practicable after awarding a contract for the construction or renovation of a residence or facility that will serve as a new location for housing committed persons under this chapter; or

(B) if a construction or renovation contract is unnecessary for the purpose, not later than the 30th day before the date that the residence or facility will first be used as housing for committed persons under this chapter, except as provided by Subsection (d).

(d) The office may provide notice required by Subsection (c)(2)(B) not later than 72 hours before transferring a committed person to the residence or facility if the transfer is necessary due to:

(1) a medical emergency;

(2) a serious behavioral or health and safety

issue; or

(3) release from a secure correctional facility.

SECTION 2. This Act takes effect September 1, 2015.

SECTION 2. Same as introduced version.