

HEALTH AND SAFETY CODE

TITLE 11. CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

CHAPTER 841. CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 841.001. LEGISLATIVE FINDINGS. The legislature finds that a small but extremely dangerous group of sexually violent predators exists and that those predators have a behavioral abnormality that is not amenable to traditional mental illness treatment modalities and that makes the predators likely to engage in repeated predatory acts of sexual violence. The legislature finds that the existing involuntary commitment provisions of Subtitle C, Title 7, are inadequate to address the risk of repeated predatory behavior that sexually violent predators pose to society. The legislature further finds that treatment modalities for sexually violent predators are different from the traditional treatment modalities for persons appropriate for involuntary commitment under Subtitle C, Title 7. Thus, the legislature finds that a civil commitment procedure for the long-term supervision and treatment of sexually violent predators is necessary and in the interest of the state.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

Sec. 841.002. DEFINITIONS. In this chapter:

(1) "Attorney representing the state" means a district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction who represents the state in a proceeding under this chapter.

(2) "Behavioral abnormality" means a congenital or acquired condition that, by affecting a person's emotional or volitional capacity, predisposes the person to commit a sexually violent offense, to the extent that the person becomes a menace to the health and safety of another person.

(3) "Case manager" means a person employed by or under contract with the office to perform duties related to the treatment

and supervision of a person committed under this chapter.

(3-a) "Civil commitment proceeding" means a trial or hearing conducted under Subchapter D, F, or G.

(4) "Office" means the Texas Civil Commitment Office.

(5) "Predatory act" means an act directed toward individuals, including family members, for the primary purpose of victimization.

(6) "Repeat sexually violent offender" has the meaning assigned by Section 841.003.

(7) "Secure correctional facility" means a county jail or a confinement facility operated by or under contract with any division of the Texas Department of Criminal Justice.

(7-a) "Sexually motivated conduct" means any conduct involving the intent to arouse or gratify the sexual desire of any person immediately before, during, or immediately after the commission of an offense.

(8) "Sexually violent offense" means:

(A) an offense under Section 21.02, 21.11(a)(1), 22.011, or 22.021, Penal Code;

(B) an offense under Section 20.04(a)(4), Penal Code, if the person committed the offense with the intent to violate or abuse the victim sexually;

(C) an offense under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section and the person entered the habitation with the intent to commit an offense listed in Paragraph (A) or (B) or committed or attempted to commit an offense listed in Paragraph (A) or (B);

(D) an offense under Section 19.02 or 19.03, Penal Code, that, during the guilt or innocence phase or the punishment phase for the offense, during the adjudication or disposition of delinquent conduct constituting the offense, or subsequently during a civil commitment proceeding under Subchapter D, is determined beyond a reasonable doubt to have been based on sexually motivated conduct;

(E) an attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense listed in Paragraph (A), (B), (C), or (D);

(F) an offense under prior state law that contains elements substantially similar to the elements of an offense listed in Paragraph (A), (B), (C), (D), or (E); or

(G) an offense under the law of another state, federal law, or the Uniform Code of Military Justice that contains elements substantially similar to the elements of an offense listed in Paragraph (A), (B), (C), (D), or (E).

(9) "Sexually violent predator" has the meaning assigned by Section [841.003](#).

(10) "Tracking service" means an electronic monitoring service, global positioning satellite service, or other appropriate technological service that is designed to track a person's location.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 16, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 849 (S.B. [912](#)), Sec. 1, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 593 (H.B. [8](#)), Sec. 3.45, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1219 (H.B. [2034](#)), Sec. 5, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1201 (S.B. [166](#)), Sec. 3, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 1, eff. June 17, 2015.

Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. [1179](#)), Sec. 21, eff. September 1, 2023.

Sec. 841.003. SEXUALLY VIOLENT PREDATOR. (a) A person is a sexually violent predator for the purposes of this chapter if the person:

(1) is a repeat sexually violent offender; and

(2) suffers from a behavioral abnormality that makes the person likely to engage in a predatory act of sexual violence.

(b) 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 or if:

(1) the person:

(A) is convicted of a sexually violent offense, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the person was subsequently discharged from community supervision;

(B) enters a plea of guilty or nolo contendere for a sexually violent offense in return for a grant of deferred adjudication; or

(C) is adjudicated by a juvenile court as having engaged in delinquent conduct constituting a sexually violent offense and is committed to the Texas Juvenile Justice Department under Section 54.04(d)(3) or (m), Family Code; and

(2) after the date on which under Subdivision (1) the person is convicted, receives a grant of deferred adjudication, or is adjudicated by a juvenile court as having engaged in delinquent conduct, the person commits a sexually violent offense for which the person is convicted, but only if the sentence for the offense is imposed.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1323 (S.B. 511), Sec. 9, eff. December 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 2, eff. June 17, 2015.

Sec. 841.005. OFFICE OF STATE COUNSEL FOR OFFENDERS. (a) Except as provided by Subsection (b), the Office of State Counsel for Offenders shall represent an indigent person subject to a civil commitment proceeding under this chapter.

(b) If for any reason the Office of State Counsel for Offenders is unable to represent an indigent person described by Subsection (a) at a civil commitment proceeding under this chapter, the court shall appoint other counsel to represent the indigent

person.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 17, eff. Sept. 1, 2003.

Sec. 841.006. APPLICATION OF CHAPTER. This chapter does not:

(1) prohibit a person committed under this chapter from filing at any time a petition for release under this chapter; or

(2) create for the committed person a cause of action against another person for failure to give notice within a period required by Subchapter B, C, or D.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 17, eff. Sept. 1, 2003.

Sec. 841.007. DUTIES OF TEXAS CIVIL COMMITMENT OFFICE. The Texas Civil Commitment Office is responsible for:

(1) providing appropriate and necessary treatment and supervision for committed persons through the case management system; and

(2) developing and implementing a sex offender treatment program for persons committed under this chapter.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 17, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1201 (S.B. [166](#)), Sec. 4, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 3, eff. June 17, 2015.

SUBCHAPTER B. NOTICE OF POTENTIAL PREDATOR; INITIAL DETERMINATIONS

Sec. 841.021. NOTICE OF POTENTIAL PREDATOR. (a) Subject to Subsection (a-1) and except as provided by Subsection (d),

before the person's anticipated release date, the Texas Department of Criminal Justice shall give to the multidisciplinary team established under Section 841.022 written notice of the anticipated release of a person who:

(1) is serving a sentence for:

(A) a sexually violent offense described by Section 841.002(8)(A), (B), or (C); or

(B) what is, or as described by this chapter what the department reasonably believes may be determined to be, a sexually violent offense described by Section 841.002(8)(D); and

(2) may be a repeat sexually violent offender.

(a-1) Regardless of whether any exigent circumstances are present, the Texas Department of Criminal Justice may give notice under this section with respect to a person who is scheduled to be released on parole or to mandatory supervision only if the person's anticipated release date is not later than 24 months after the date on which the notice will be given. The department may not give notice with respect to a person who is currently released on parole or to mandatory supervision, but the multidisciplinary team may perform the functions described by Section 841.022(c) within the applicable period required by that subsection if the written notice required by this section was received by the team before the date of the person's release.

(b) Repealed by Acts 2015, 84th Leg., R.S., Ch. 845 , Sec. 39(2), eff. June 17, 2015.

(c) The Texas Department of Criminal Justice shall give the notice described by Subsection (a) not later than the first day of the 24th month before the person's anticipated release date, but under exigent circumstances may give the notice at any time before that date, except as provided by Subsection (a-1). The notice must contain the following information:

(1) the person's name, identifying factors, anticipated residence after release, and criminal history;

(2) documentation of the person's institutional adjustment and actual treatment; and

(3) an assessment of the likelihood that the person will commit a sexually violent offense after release.

(d) The Texas Department of Criminal Justice may not provide notice under Subsection (a) of the anticipated release of a person for whom the department 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 a new sexually violent offense; or

(2) the person's parole or mandatory supervision is revoked based on:

(A) the commission of a new sexually violent offense;

(B) failure to adhere to the requirements of sex offender treatment and supervision; or

(C) failure to register as a sex offender.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 849 (S.B. [912](#)), Sec. 2, eff. September 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1201 (S.B. [166](#)), Sec. 5, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 4, eff. June 17, 2015.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 39(2), eff. June 17, 2015.

Sec. 841.022. MULTIDISCIPLINARY TEAM. (a) The executive director of the Texas Department of Criminal Justice shall establish a multidisciplinary team to review available records of a person referred to the team under Section [841.021](#). The team must include:

(1) a mental health professional from the Department of State Health Services;

(2) two persons from the Texas Department of Criminal Justice as follows:

(A) one person from the victim services division;

and

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

(3) a licensed peace officer who is employed by the Department of Public Safety and who has at least five years' experience working for that department or the officer's designee;

(4) two persons from the office; and

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

(a-1) The Texas Department of Criminal Justice, in consultation with the office, shall provide training to the members of the multidisciplinary team regarding the civil commitment program under this chapter, including training regarding:

(1) eligibility criteria for commitment;

(2) the process for evaluating persons for commitment;

and

(3) the sex offender treatment program for persons committed under this chapter.

(b) The multidisciplinary team may request the assistance of other persons in making an assessment under this section.

(c) Not later than the 60th day after the date the multidisciplinary team receives notice under Section [841.021\(a\)](#), the team shall:

(1) assess whether the person is a repeat sexually violent offender and whether the person is likely to commit a sexually violent offense after release;

(2) give notice of that assessment to the Texas Department of Criminal Justice; and

(3) recommend the assessment of the person for a behavioral abnormality, as appropriate.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 18, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1201 (S.B. [166](#)), Sec. 6, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. [219](#)), Sec. 3.1628,

eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 5, eff. June 17, 2015.

Sec. 841.023. ASSESSMENT FOR BEHAVIORAL ABNORMALITY.

(a) Not later than the 60th day after the date of a recommendation under Section 841.022(c), the Texas Department of Criminal Justice shall assess whether the person suffers from a behavioral abnormality that makes the person likely to engage in a predatory act of sexual violence. To aid in the assessment, the department shall use an expert to examine the person. The department may contract for the expert services required by this subsection. The expert shall make a clinical assessment based on testing for psychopathy, a clinical interview, and other appropriate assessments and techniques to aid the department in its assessment.

(b) If as a result of the assessment the Texas Department of Criminal Justice believes that the person suffers from a behavioral abnormality, not later than the 60th day after the date of a recommendation under Section 841.022(c) the department shall give notice of that assessment and provide corresponding documentation to the attorney representing the state for the county in which the person was most recently convicted of a sexually violent offense.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 19, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1201 (S.B. 166), Sec. 7, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 6, eff. June 17, 2015.

SUBCHAPTER C. PETITION ALLEGING PREDATOR STATUS

Sec. 841.041. PETITION ALLEGING PREDATOR STATUS. (a) If a person is referred to the attorney representing the state under Section 841.023, the attorney may file a petition alleging that the person is a sexually violent predator and stating facts sufficient

to support the allegation.

(b) A petition described by Subsection (a) must be:

(1) filed in a district court in the county of the person's most recent conviction for a sexually violent offense;

(2) filed not later than the 90th day after the date the person is referred to the attorney representing the state; and

(3) served on the person as soon as practicable after the date the petition is filed.

(c) To the extent feasible, in filing the petition in a district court described by Subsection (b)(1), the attorney representing the state shall give preference to filing the petition in the applicable court of conviction.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 20, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 7, eff. June 17, 2015.

Acts 2021, 87th Leg., R.S., Ch. 431 (S.B. 906), Sec. 2, eff. September 1, 2021.

Sec. 841.042. ASSISTANCE FROM SPECIAL PROSECUTION UNIT. On request of the attorney representing the state, the special prosecution unit shall provide legal, financial, and technical assistance to the attorney for a proceeding conducted under this chapter.

Added by Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 8, eff. June 17, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. 1179), Sec. 22, eff. September 1, 2023.

SUBCHAPTER D. TRIAL

Sec. 841.061. TRIAL. (a) The judge shall commence a trial to determine whether the person is a sexually violent predator:

(1) except as provided by Section 841.063, not later

than the 270th day after the date a petition is served on the person under Section [841.041](#); and

(2) not later than the person's sentence discharge date unless the judge determines that a delay is necessary in the due administration of justice.

(b) The person or the state is entitled to a jury trial on demand. A demand for a jury trial must be filed in writing not later than the 10th day before the date the trial is scheduled to begin.

(c) The person and the state are each entitled to an immediate clinical interview of the person by an expert. All components of the clinical interview must be completed not later than the 90th day before the date the trial begins.

(d) Additional rights of the person at the trial include the following:

(1) the right to appear at the trial;

(2) the right to waive the right to appear at the trial and appear through the person's attorney;

(3) except as provided by Subsection (f), the right to present evidence on the person's behalf;

(4) the right to cross-examine a witness who testifies against the person; and

(5) the right to view and copy all petitions and reports in the court file.

(e) The attorney representing the state may rely on the petition filed under Section [841.041](#) and supplement the petition with documentary evidence or live testimony.

(f) A person who is on trial to determine the person's status as a sexually violent predator is required to submit to all expert clinical interviews that are required or permitted of the state to prepare for the person's trial. A person who fails to submit to a clinical interview on the state's behalf as required by this subsection is subject to the following consequences:

(1) the person's failure to participate may be used as evidence against the person at trial;

(2) the person may be prohibited from offering into evidence the results of a clinical interview performed on the person's behalf; and

(3) the person may be subject to contempt proceedings if the person violates a court order by failing to submit to a clinical interview on the state's behalf.

(g) A judge assigned to preside over a trial under this subchapter is not subject to an objection under Section 74.053, Government Code, other than an objection made under Section 74.053(d), Government Code.

(h) Notwithstanding any other provision in this subchapter, the person may appear at the trial through the use of remote technology, including teleconference and videoconference technology.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 21, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1219 (H.B. 2034), Sec. 7, eff. June 15, 2007.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 9, eff. June 17, 2015.

Acts 2021, 87th Leg., R.S., Ch. 431 (S.B. 906), Sec. 3, eff. September 1, 2021.

Sec. 841.062. DETERMINATION OF PREDATOR STATUS. (a) The judge or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. Either the state or the person is entitled to appeal the determination and to a retrial if an appellate court remands the case to the trial court for a new trial.

(b) A jury determination in a civil commitment proceeding must be by unanimous verdict. If one or two of the 12 jurors have been discharged and there are no alternate jurors to be seated, the remaining jurors may render a verdict. If fewer than 12 jurors render a verdict, the verdict must be signed by each juror rendering the verdict.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 431 (S.B. 906), Sec. 4, eff. September 1, 2021.

Sec. 841.063. CONTINUANCE. (a) Except as provided by Subsection (b), the judge may continue a trial or hearing conducted under this chapter if the person is not substantially prejudiced by the continuance and:

(1) on the request of either party and a showing of good cause; or

(2) on the judge's own motion in the due administration of justice.

(b) The judge may not continue a trial conducted under this chapter to a date occurring later than the person's sentence discharge date unless the judge determines that a continuance is necessary in the due administration of justice.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 22, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 10, eff. June 17, 2015.

Acts 2021, 87th Leg., R.S., Ch. 431 (S.B. 906), Sec. 5, eff. September 1, 2021.

Sec. 841.064. RETRIAL. (a) A trial following a mistrial must commence not later than the 90th day after the date a mistrial was declared in the previous trial, unless the later trial is continued as provided by Section 841.063.

(b) If an appellate court remands the case to the trial court for a new trial, the judge shall commence the retrial not later than the 90th day after the date the appellate court remanded the case. The retrial may be continued as provided by Section 841.063.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 431 (S.B. 906), Sec. 6, eff.

September 1, 2021.

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

Added by Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 11, eff. June 17, 2015.

SUBCHAPTER E. CIVIL COMMITMENT

Sec. 841.081. CIVIL COMMITMENT OF PREDATOR. (a) If at a trial conducted under Subchapter D the judge or jury determines that the person is a sexually violent predator, the judge shall commit the person for treatment and supervision to be coordinated by the office. The commitment order is effective immediately on entry of the order, except that the treatment and supervision begins on the person's release from a secure correctional facility and continues until 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.

(b) At any time after entry of a commitment order under Subsection (a), the office may provide to the person instruction regarding the requirements associated with the order, regardless of whether the person is incarcerated at the time of the instruction.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 23, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 12, eff. June 17, 2015.

Sec. 841.082. COMMITMENT REQUIREMENTS.

(a) Before entering an order directing a person's civil commitment, the judge shall impose on the person requirements necessary to ensure the person's compliance with treatment and supervision and to protect the community. The requirements shall include:

(1) requiring the person to reside where instructed by the office;

(2) prohibiting the person's contact with a victim of the person;

(3) requiring the person's participation in and compliance with the sex offender treatment program provided by the office and compliance with all written requirements imposed by the office;

(4) requiring the person to submit to appropriate supervision and:

(A) submit to tracking under a particular type of tracking service, if the person:

(i) while residing at a civil commitment center, leaves the center for any reason;

(ii) is in one of the two most restrictive tiers of treatment, as determined by the office;

(iii) is on disciplinary status, as determined by the office; or

(iv) resides in the community; and

(B) if required to submit to tracking under Paragraph (A), refrain from tampering with, altering, modifying, obstructing, removing, or manipulating the tracking equipment; and

(5) prohibiting the person from leaving the state without prior authorization from the office.

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

(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; and

(3) periodically provide a cumulative report of the person's location to the office.

(c) The judge shall provide a copy of the requirements imposed under Subsection (a) to the person and to the office. The office shall provide a copy of those requirements to the case manager and to the service providers.

(d) The committing court retains jurisdiction of the case with respect to a proceeding conducted under this subchapter, other

than a criminal proceeding involving an offense under Section [841.085](#), or to a civil commitment proceeding conducted under Subchapters F and G.

(e) The requirements imposed under Subsection (a) may be modified by the committing court at any time after notice to each affected party to the proceedings and a hearing.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 24, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 849 (S.B. [912](#)), Sec. 3, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 849 (S.B. [912](#)), Sec. 7(1), eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 593 (H.B. [8](#)), Sec. 1.12, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1201 (S.B. [166](#)), Sec. 8, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 13, eff. June 17, 2015.

Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. [1576](#)), Sec. 16, eff. September 1, 2017.

Sec. 841.0821. SEX OFFENDER TREATMENT BEFORE RELEASE FROM SECURE CORRECTIONAL FACILITY. (a) The Texas Department of Criminal Justice shall prioritize enrolling in a sex offender treatment program established by the department any committed person who has not yet been released by the department.

(b) The Texas Department of Criminal Justice and the office shall 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 the department.

Added by Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 14, eff. June 17, 2015.

Sec. 841.0822. REQUIRED PROCEDURES BEFORE RELEASE FROM

SECURE CORRECTIONAL FACILITY. Before a committed person is released from a secure correctional facility, the Texas Department of Criminal Justice shall ensure that:

(1) the Department of Public Safety issues a personal identification card to the person; and

(2) the person completes an application for the following federal benefits, as appropriate, for which the person may be eligible:

(A) social security benefits, including disability benefits, administered by the United States Social Security Administration; and

(B) veterans benefits administered by the United States Department of Veterans Affairs.

Added by Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 14, eff. June 17, 2015.

Sec. 841.083. TREATMENT; SUPERVISION. (a) The office shall determine the conditions of supervision and treatment of a committed person.

(b) The office shall provide supervision to the person. The provision of supervision must include a tracking service and, if determined necessary by the office, supervised housing.

(c) The office shall enter into appropriate memoranda of understanding with the Texas Department of Criminal Justice for the provision of a tracking service and with the Department of Public Safety and local law enforcement authorities for assistance in the preparation of criminal complaints, warrants, and related documents and in the apprehension and arrest of a person.

(d) The office shall enter into appropriate contracts for the provision of any necessary supervised housing and other related services and may enter into appropriate contracts for medical and mental health services and sex offender treatment.

(e) The case manager shall:

(1) coordinate the 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 must include any known change in the person's status that affects proper treatment and supervision.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 25, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 849 (S.B. 912), Sec. 4, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 937 (H.B. 3560), Sec. 1.94, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1201 (S.B. 166), Sec. 9, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 15, eff. June 17, 2015.

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

(b) The tiered program must 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.

Added by Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 16, eff. June 17, 2015.

Sec. 841.0832. HOUSING FACILITIES. (a) The office shall operate, or contract with a vendor to operate, one or more facilities provided for the purpose of housing committed persons.

(b) The office shall designate all or part of a facility under Subsection (a) to serve as an intake and orientation facility for committed persons on release from a secure correctional facility.

Added by Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 16, eff. June 17, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. 1576), Sec. 17, eff. September 1, 2017.

Sec. 841.0833. SECURITY AND MONITORING; CONFIDENTIALITY.

(a) The office shall develop procedures for the security and monitoring of committed persons in each programming tier.

(b) Information regarding the security and monitoring procedures developed under Subsection (a) is confidential and not subject to disclosure under Chapter 552, Government Code.

Added by Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 16, eff. June 17, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. 1576), Sec. 18, eff. September 1, 2017.

Sec. 841.0834. MOVEMENT BETWEEN PROGRAMMING TIERS.

(a) The office shall transfer between programming tiers a committed person required to reside in a total confinement facility if the transfer is in the best interests of the person and conditions can be imposed that adequately protect the community.

(b) Without the office's approval, a committed person may file a petition with the court for transfer to the next less restrictive tier. The court shall deny the transfer if the petition is filed before the 180th day after the date an order was entered under Subchapter D, F, or G or a previous order was entered under this section. The court shall grant the transfer if the court determines by clear and convincing evidence that the transfer is in the best interests of the person and that the office can impose conditions that adequately protect the community.

(c) A committed person who files a petition under Subsection (b) shall serve a copy of the petition on the office and the attorney representing the state.

(d) The office shall transfer a committed person who is not required to reside in a total confinement facility back to a more restrictive setting in a total confinement facility if the office considers the transfer necessary to further treatment and to

protect the community. The decision to transfer the person must be based on the person's behavior or progress in treatment.

(e) Not later than the 90th day after the date a committed person is returned to a more restrictive setting in a total confinement facility under Subsection (d), the committing court shall hold a hearing via videoconference to review the office's determination. The court shall order the office to transfer the person to a less restrictive tier only if the court determines by clear and convincing evidence that the office's determination was not made in accordance with Subsection (d). The committed person may waive the right to a hearing under this subsection.

Added by Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 16, eff. June 17, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. [1576](#)), Sec. 19, eff. September 1, 2017.

Acts 2021, 87th Leg., R.S., Ch. 431 (S.B. [906](#)), Sec. 7, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 431 (S.B. [906](#)), Sec. 12, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. [1179](#)), Sec. 23, eff. September 1, 2023.

Sec. 841.0835. COMMITTED PERSONS WITH SPECIAL NEEDS.

(a) The Health and Human Services Commission, after coordination with the office, shall 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.

(b) For a committed person who the office has determined is unable to effectively participate in the sex offender treatment program because the person's mental illness prevents the person from understanding and internalizing the concepts presented by the program's treatment material, the Health and Human Services Commission shall provide inpatient mental health services until the person is able to participate effectively in the sex offender

treatment program.

(c) A person who is adjudicated as a sexually violent predator under this chapter and who has a mental illness that prevents the person from effectively participating in a sex offender treatment program presents a substantial risk of serious harm to the person or others for purposes of Chapter 574.

Added by Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 16, eff. June 17, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 301 (S.B. 613), Sec. 1, eff. September 1, 2017.

Sec. 841.0836. RELEASE FROM HOUSING. (a) A committed person released from housing operated by or under contract with the office shall be released to:

(1) the county in which the person was most recently convicted of a sexually violent offense; or

(2) if the county described by Subdivision (1) does not provide adequate opportunities for the person's treatment and for the person's housing or other supervision, as determined by the office, a county designated by the office.

(b) The office may require a committed person released to a county under Subsection (a)(2) to change the person's residence to the county described by Subsection (a)(1) if the office determines that adequate opportunities for the person's treatment and for the person's housing or other supervision become available in that county.

Added by Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 16, eff. June 17, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. 1576), Sec. 20, eff. September 1, 2017.

Sec. 841.0837. EMERGENCY DETENTION ORDER. The office may issue an emergency detention order for a committed person's immediate apprehension and transportation to an office-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](#); or

(B) a release under Section [841.0836](#); 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 the office.

Added by Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. [1576](#)), Sec. 21, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 431 (S.B. [906](#)), Sec. 8, eff. September 1, 2021.

Sec. 841.0838. USE OF RESTRAINTS. (a) An employee of the office, or a person who contracts with the office or an employee of that person, may use mechanical restraints on a committed person residing in a civil commitment center or while transporting a committed person who resides at the center only if:

(1) the employee or person completes a training program approved by the office on the use of mechanical restraints that:

(A) includes instruction on the office's approved mechanical restraint techniques and devices and the office's verbal de-escalation policies, procedures, and practices; and

(B) requires the employee or person to demonstrate competency in the use of the mechanical restraint techniques and devices; and

(2) the mechanical restraint is:

(A) considered necessary to maintain the safety and security of the center or staff;

(B) considered necessary to maintain the safety of the public; and

(C) the least restrictive restraint necessary, used for the minimum duration necessary.

(b) An employee of the office, or a person who contracts with the office or an employee of that person, may use chemical restraints on a committed person residing in a civil commitment center or while transporting a committed person who resides at the center only if:

(1) the employee or person completes a training program approved by the office on the use of chemical restraints that:

(A) includes instruction on the office's approved chemical restraint techniques and devices and the office's verbal de-escalation policies, procedures, and practices; and

(B) requires the employee or person to demonstrate competency in the use of chemical restraint techniques and devices; and

(2) the chemical restraint is:

(A) used as a last resort;

(B) necessary to prevent or stop:

(i) physical injury to the committed person or another;

(ii) threatening behavior by the committed person;

(iii) a disturbance by a group of committed persons; or

(iv) an absconsion from the center; and

(C) the least restrictive restraint necessary, used for the minimum duration necessary, to prevent injury, property damage, or absconsion.

(c) The office shall develop procedures governing the use of mechanical or chemical restraints on committed persons.

Added by Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. [1576](#)), Sec. 21, eff. September 1, 2017.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. [1179](#)), Sec. 24, eff. September 1, 2023.

Sec. 841.084. PAYMENT OF COSTS BY COMMITTED PERSON.

(a) 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;

(B) the tracking service required by Section [841.082](#); and

(C) repairs to or replacement of the tracking equipment required by Section [841.082](#), if the person intentionally caused the damage to or loss of the equipment, as determined by the office; and

(2) shall pay to the office:

(A) a monthly amount that the office determines will be necessary to defray the cost of providing the housing, treatment, and service with respect to the person; and

(B) as directed by the office, any amount for which the person is responsible under Subdivision (1)(C).

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

(c) A committed person, on request, shall provide to the office any financial records or other information regarding the person's income, assets, and expenses to assist the office in determining whether the person is indigent for purposes of this section.

Added by Acts 2007, 80th Leg., R.S., Ch. 593 (H.B. [8](#)), Sec. 1.13, eff. September 1, 2007.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1201 (S.B. [166](#)), Sec. 10, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 17, eff. June 17, 2015.

Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. [1576](#)), Sec. 22, eff. September 1, 2017.

Acts 2021, 87th Leg., R.S., Ch. 431 (S.B. [906](#)), Sec. 9, eff. September 1, 2021.

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.

Added by Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 18, eff. June 17, 2015.

Sec. 841.085. CRIMINAL PENALTY; PROSECUTION OF OFFENSE.

(a) 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), (2), (4), or (5).

(b) An offense under this section is a felony of the third degree.

(c) On request of the local prosecuting attorney, the special prosecution unit may assist in the trial of an offense under this section.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1219 (H.B. [2034](#)), Sec. 8, eff. September 1, 2007.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 19, eff. June 17, 2015.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 39(2), eff. June 17, 2015.

Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. [1576](#)), Sec. 23, eff. September 1, 2017.

SUBCHAPTER F. COMMITMENT REVIEW

Sec. 841.101. BIENNIAL EXAMINATION. (a) A person committed under Section [841.081](#) shall receive a biennial examination. The office shall contract for an expert to perform the examination.

(b) In preparation for a judicial review conducted under Section [841.102](#), the office shall provide a report of the biennial examination to the judge and to the person. The report must include consideration of whether to modify a requirement imposed on the person under this chapter and whether to release the person from all requirements imposed on the person under this chapter.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1201 (S.B. [166](#)), Sec. 11, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 20, eff.

June 17, 2015.

Sec. 841.102. BIENNIAL REVIEW. (a) Not later than the 60th day after the date of receipt of the report submitted under Section [841.101](#), the judge shall 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).

(b) The person is entitled to be represented by counsel at the biennial review, but the person is not entitled to be present at that review.

(c) The judge shall set a hearing if the judge determines by a preponderance of the evidence at the biennial review that:

(1) a requirement imposed on the person under this chapter should be modified; or

(2) 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.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 21, eff. June 17, 2015.

Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. [1179](#)), Sec. 25, eff. September 1, 2023.

Sec. 841.103. HEARING. (a) At a hearing set by the judge under Section [841.102](#), the person and the state are entitled to an immediate examination of the person by an expert.

(b) If the hearing is set under Section [841.102\(c\)\(1\)](#), hearsay evidence is admissible if it is considered otherwise reliable by the judge.

(c) If the hearing is set under Section [841.102\(c\)\(2\)](#), the committed person is entitled to be present and to have the benefit of all constitutional protections provided to the person at the initial civil commitment proceeding. On the request of the person or the attorney representing the state, the court shall conduct the hearing before a jury. The burden of proof at that hearing is on the

state to prove beyond a reasonable doubt that the person's behavioral abnormality has not changed to the extent that the person is no longer likely to engage in a predatory act of sexual violence.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

SUBCHAPTER G. PETITION FOR RELEASE

Sec. 841.121. AUTHORIZED PETITION FOR RELEASE. (a) If the office determines that the committed 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, the office shall authorize the person to petition the court for release.

(b) The petitioner shall serve a petition under this section on the court and the attorney representing the state.

(c) The judge shall set a hearing on a petition under this section not later than the 30th day after the date the judge receives the petition. The petitioner and the state are entitled to an immediate examination of the petitioner by an expert.

(d) On request of the petitioner or the attorney representing the state, the court shall conduct the hearing before a jury.

(e) The burden of proof at the hearing is on the state to prove beyond a reasonable doubt that the petitioner's behavioral abnormality has not changed to the extent that the petitioner is no longer likely to engage in a predatory act of sexual violence.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 22, eff. June 17, 2015.

Sec. 841.122. RIGHT TO FILE UNAUTHORIZED PETITION FOR RELEASE. On a person's commitment and annually after that commitment, the office shall provide the person with written notice of the person's right to file with the court and without the

office's authorization a petition for release.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 23, eff. June 17, 2015.

Sec. 841.123. REVIEW OF UNAUTHORIZED PETITION FOR RELEASE.

(a) If the committed person files a petition for release without the office's authorization, the person shall serve the petition on the court, the attorney representing the state, and the office.

(b) The judge shall 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.

(c) Except as provided by Subsection (d), the judge shall deny without a hearing a petition for release filed without the office's authorization if:

(1) the judge determines by a preponderance of the evidence that the petitioner's behavioral abnormality has not changed to the extent that the petitioner is no longer likely to engage in a predatory act of sexual violence; or

(2) the petitioner has filed the petition for release before the 180th day after the date an order was entered under Subchapter D or F or a previous order was entered under this section.

(d) The judge is not required to deny a petition under Subsection (c)(2) if the judge determines by a preponderance of the evidence that the petitioner's behavioral abnormality has changed to the extent that the petitioner is no longer likely to engage in a predatory act of sexual violence.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 24, eff. June 17, 2015.

Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. 1179), Sec. 26, eff.

September 1, 2023.

Sec. 841.124. HEARING ON UNAUTHORIZED PETITION FOR RELEASE.

(a) 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 authorization, the judge shall conduct a hearing on the petition not later than the 60th day after the date of filing of the petition.

(b) The petitioner and the state are entitled to an immediate examination of the person by an expert.

(c) On request of the petitioner or the attorney representing the state, the court shall conduct the hearing before a jury.

(d) The burden of proof at the hearing is on the state to prove beyond a reasonable doubt that the petitioner's behavioral abnormality has not changed to the extent that the petitioner is no longer likely to engage in a predatory act of sexual violence.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 25, eff. June 17, 2015.

SUBCHAPTER H. MISCELLANEOUS PROVISIONS

Sec. 841.141. RULEMAKING AUTHORITY. (a) The office by rule shall administer this chapter. Rules adopted by the office under this section must be consistent with the purposes of this chapter.

(b) Repealed by Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. [1576](#)), Sec. 40(2), eff. September 1, 2017.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1201 (S.B. [166](#)), Sec. 12, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 26, eff.

June 17, 2015.

Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. [1576](#)), Sec. 40(2), eff. September 1, 2017.

Sec. 841.142. RELEASE OR EXCHANGE OF INFORMATION. (a) To protect the public and to enable an assessment or determination relating to whether a person is a sexually violent predator, any entity that possesses relevant information relating to the person shall release the information to an entity charged with making an assessment or determination under this chapter.

(b) To protect the public and to enable the provision of supervision and treatment to a person who is a sexually violent predator, any entity that possesses relevant information relating to the person shall release the information to the office.

(c) On the written request of any attorney for another state or for a political subdivision in another state, the Texas Department of Criminal Justice, the office, a service provider contracting with one of those agencies, the multidisciplinary team, and the applicable attorney representing the state shall release to the attorney any available information relating to a person that is sought in connection with an attempt to civilly commit the person as a sexually violent predator in another state.

(d) To protect the public and to enable an assessment or determination relating to whether a person is a sexually violent predator or to enable the provision of supervision and treatment to a person who is a sexually violent predator, the Texas Department of Criminal Justice, the office, a service provider contracting with one of those agencies, the multidisciplinary team, and the applicable attorney representing the state may exchange any available information relating to the person.

(e) Information subject to release or exchange under this section includes information relating to the supervision, treatment, criminal history, or physical or mental health of the person, as appropriate, regardless of whether the information is otherwise confidential and regardless of when the information was created or collected. The person's consent is not required for release or exchange of information under this section.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 27, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1201 (S.B. [166](#)), Sec. 13, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 27, eff. June 17, 2015.

Sec. 841.143. REPORT, RECORD, OR STATEMENT SUBMITTED TO COURT. (a) A psychological report, drug and alcohol report, treatment record, diagnostic report, medical record, or victim impact statement submitted to the court under this chapter is part of the record of the court.

(b) Notwithstanding Subsection (a), the report, record, or statement must be sealed and may be opened only:

- (1) on order of the judge;
- (2) as provided by this chapter; or
- (3) in connection with a criminal proceeding as otherwise provided by law.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

Sec. 841.144. COUNSEL. (a) Immediately after the filing of a petition under Section [841.041](#), a person subject to a civil commitment proceeding under this chapter is entitled to the assistance of counsel at all stages of the proceeding.

(b) If the person is indigent, the court shall appoint counsel as appropriate under Section [841.005](#) to assist the person.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 28, eff. Sept. 1, 2003.

Sec. 841.145. EXPERT. (a) At the person's own expense, a person who is examined under this chapter may retain an expert to perform an examination or participate in a civil commitment proceeding on the person's behalf, including a biennial examination

or other civil commitment proceeding to assess the person's status as a sexually violent predator.

(b) On the request of an indigent person examined under this chapter, the judge shall determine whether expert services for the person are necessary. If the judge determines that the services are necessary, the judge shall appoint an expert to perform an examination or participate in a civil commitment proceeding on the person's behalf and shall approve compensation for the expert as appropriate under Subsection (c).

(c) The court shall approve reasonable compensation for expert services rendered on behalf of an indigent person on the filing of a certified compensation claim supported by a written statement specifying:

- (1) time expended on behalf of the person;
- (2) services rendered on behalf of the person;
- (3) expenses incurred on behalf of the person; and
- (4) compensation received in the same case or for the same services from any other source.

(d) The court shall ensure that an expert retained or appointed under this section has for purposes of examination reasonable access to a person examined under this chapter, as well as to all relevant medical and psychological records and reports.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 849 (S.B. 912), Sec. 5, eff. September 1, 2005.

Sec. 841.146. CIVIL COMMITMENT PROCEEDING; PROCEDURE AND COSTS. (a) On request, a person subject to a civil commitment proceeding under this chapter and the attorney representing the state are entitled to a jury trial or a hearing before a jury for that proceeding, except for a proceeding set by the judge under Section 841.102(c)(1). The jury shall consist of 12 qualified jurors. The judge may direct that not more than four jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. Each party is entitled to 10 peremptory

challenges to the 12 qualified jurors and one peremptory challenge to the qualified alternate jurors.

(b) Except as otherwise provided by this subsection, a civil commitment proceeding is subject to the rules of procedure and appeal for civil cases. To the extent of any conflict between this chapter and the rules of procedure and appeal for civil cases, this chapter controls.

(c) In an amount not to exceed \$2,500, the State of Texas shall pay all costs associated with a civil commitment proceeding conducted under Subchapter D. The State of Texas shall pay the reasonable costs of state or appointed counsel or experts for any other civil commitment proceeding conducted under this chapter and shall pay the reasonable costs of the person's treatment and supervision.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 29, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 28, eff. June 17, 2015.

Acts 2021, 87th Leg., R.S., Ch. 431 (S.B. [906](#)), Sec. 10, eff. September 1, 2021.

Sec. 841.1461. CERTAIN EXPERT TESTIMONY NOT REQUIRED FOR CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATOR. A person who suffers from a behavioral abnormality as determined under this chapter is not because of that abnormality a person of unsound mind for purposes of Section [15-a](#), Article I, Texas Constitution.

Added by Acts 2003, 78th Leg., ch. 347, Sec. 30, eff. Sept. 1, 2003.

Sec. 841.1462. PRIVILEGE FOR PERSONAL INFORMATION THAT IDENTIFIES VICTIM. Personal information, including a home address, home telephone number, and social security account number, that identifies the victim of a person subject to a civil commitment proceeding under this chapter is privileged from discovery by that person.

Added by Acts 2003, 78th Leg., ch. 347, Sec. 30, eff. Sept. 1, 2003.

Sec. 841.1463. FAILURE TO GIVE NOTICE WITHIN RELEVANT PERIOD NOT JURISDICTIONAL ERROR. The periods within which notice must be given under this chapter are binding on all appropriate persons as provided by this chapter, but a failure to give notice within the relevant period is not a jurisdictional error.

Added by Acts 2003, 78th Leg., ch. 347, Sec. 30, eff. Sept. 1, 2003.

Sec. 841.147. IMMUNITY. The following persons are immune from liability for good faith conduct under this chapter:

(1) an employee or officer of the Texas Department of Criminal Justice or the office;

(2) a member of the multidisciplinary team established under Section [841.022](#);

(3) the applicable attorney representing the state and an employee of the attorney; and

(4) a person providing, or contracting, appointed, or volunteering to perform, a tracking service or another service under this chapter.

Added by Acts 1999, 76th Leg., ch. 1188, Sec. 4.01, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 347, Sec. 31, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1219 (H.B. [2034](#)), Sec. 9, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1201 (S.B. [166](#)), Sec. 14, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. [746](#)), Sec. 29, eff. June 17, 2015.

Sec. 841.150. EFFECT OF SUBSEQUENT DETENTION, CONFINEMENT, OR COMMITMENT ON ORDER OF CIVIL COMMITMENT. (a) The duties imposed on the office and the judge 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, by governmental action.

(b) In this section:

(1) "Community center" means a center established under Subchapter A, Chapter 534.

(2) "Correctional facility" has the meaning assigned by Section 1.07, Penal Code.

(3) "Mental health facility" has the meaning assigned by Section 571.003.

(4) "Secure correctional facility" and "secure detention facility" have the meanings assigned by Section 51.02, Family Code.

(5) "State supported living center" has the meaning assigned by Section 531.002.

Added by Acts 2003, 78th Leg., ch. 347, Sec. 30, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 849 (S.B. 912), Sec. 6, eff. September 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1201 (S.B. 166), Sec. 15, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1629, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 30, eff. June 17, 2015.

Sec. 841.151. NOTICE OF RELEASE OF SEXUALLY VIOLENT PREDATOR. (a) In this section:

(1) "Correctional facility" has the meaning assigned by Section 1.07, Penal Code.

(2) "Secure correctional facility" and "secure detention facility" have the meanings assigned by Section 51.02, Family Code.

(b) This section applies to a person who has been civilly committed under this chapter and who is detained or confined in a correctional facility, secure correctional facility, or secure detention facility as a result of violating:

(1) a civil commitment requirement imposed under Section 841.082(a)(1), (2), (4), or (5); or

(2) a law of this state.

(c) Except as provided by Subsection (c-1), as soon as practicable before, but not later than the third business day preceding, the date a correctional facility, secure correctional facility, or secure detention facility releases a person who, at the time of the person's detention or confinement, was civilly committed under this chapter as a sexually violent predator, the facility shall notify the office and the person's case manager in writing of the anticipated date and time of the person's release.

(c-1) Subsection (c) does not apply with respect to a person whom a court orders to be immediately released from a correctional facility, secure correctional facility, or secure detention facility.

(d) A case manager, on request, shall provide a correctional facility, a secure correctional facility, or a secure detention facility with the case manager's appropriate contact information for notification under Subsection (c).

Added by Acts 2011, 82nd Leg., R.S., Ch. 1201 (S.B. 166), Sec. 16, eff. September 1, 2011.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 31, eff. June 17, 2015.

Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. 1576), Sec. 24, eff. September 1, 2017.

Acts 2021, 87th Leg., R.S., Ch. 431 (S.B. 906), Sec. 11, eff. September 1, 2021.

Sec. 841.152. CERTAIN HEARINGS BY CLOSED-CIRCUIT VIDEO TELECONFERENCING PERMITTED. (a) Notwithstanding Section 841.103(c), on motion by the attorney representing the state, the court shall require a committed person to appear via closed-circuit video teleconferencing at a hearing on the modification of civil commitment requirements under Section 841.082 or a hearing under Subchapter F or G.

(b) A recording of a hearing conducted as provided by Subsection (a) shall be made and preserved with the court's record of the hearing.

Added by Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. 1576), Sec. 25, eff. September 1, 2017.

Sec. 841.153. STATE-ISSUED IDENTIFICATION; NECESSARY DOCUMENTATION. (a) On the release of a committed person from a correctional facility, secure correctional facility, or secure detention facility, as those terms are defined by Section 841.151, the office shall:

(1) determine whether the person has:

(A) a valid license issued under Chapter 521 or 522, Transportation Code; or

(B) a valid personal identification certificate issued under Chapter 521, Transportation Code; and

(2) if the person does not have a valid license or certificate described by Subdivision (1), submit to the Department of Public Safety on behalf of the person a request for the issuance of a personal identification certificate under Chapter 521, Transportation Code.

(b) The office shall submit a request under Subsection (a)(2) as soon as practicable.

(c) The office, the Department of Public Safety, and the vital statistics unit of the Department of State Health Services by rule shall adopt a memorandum of understanding that establishes their respective responsibilities with respect to the issuance of a personal identification certificate to a committed person, including responsibilities related to verification of the person's identity. The memorandum of understanding must require the Department of State Health Services to electronically verify the birth record of a committed person whose name and any other personal information is provided by the office and to electronically report the recorded filing information to the Department of Public Safety to validate the identity of a committed person under this section.

(d) The office shall reimburse the Department of Public Safety or the Department of State Health Services, as applicable, for the actual costs incurred by those agencies in performing responsibilities established under this section. The office may charge a committed person for the actual costs incurred under this

section or for the fees required by Section [521.421](#), Transportation Code.

Added by Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. [1576](#)), Sec. 25, eff. September 1, 2017.

SUBCHAPTER I. ADMINISTRATION OF CERTAIN MEDICATION TO CERTAIN SEXUALLY VIOLENT PREDATORS

Sec. 841.201. DEFINITIONS. In this subchapter:

(1) "Capacity" means a committed person's ability to:

(A) understand the nature and consequences of a proposed treatment, including the benefits, risks, and alternatives to the proposed treatment; and

(B) make a decision whether to undergo the proposed treatment.

(2) "Medication-related emergency" means a situation in which it is immediately necessary to administer medication to a committed person to prevent:

(A) imminent probable death or substantial bodily harm to the committed person because the committed person:

(i) overtly or continually is threatening or attempting to commit suicide or serious bodily harm; or

(ii) is behaving in a manner that indicates that the committed person is unable to satisfy the committed person's need for nourishment, essential medical care, or self-protection; or

(B) imminent physical or emotional harm to another because of threats, attempted acts, or acts the committed person overtly or continually makes or commits.

(3) "Psychoactive medication" has the meaning assigned by Section [574.101](#).

Added by Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. [1179](#)), Sec. 27, eff. September 1, 2023.

Sec. 841.202. ADMINISTRATION OF MEDICATION TO COMMITTED PERSON. A person may not administer a psychoactive medication to a committed person who refuses to take the medication voluntarily

unless:

(1) the committed person is having a medication-related emergency; or

(2) the committed person is under an order issued under Section 841.205 authorizing the administration of medication regardless of the committed person's refusal.

Added by Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. 1179), Sec. 27, eff. September 1, 2023.

Sec. 841.203. PHYSICIAN'S APPLICATION FOR ORDER TO AUTHORIZE PSYCHOACTIVE MEDICATION; DATE OF HEARING. (a) A physician who is treating a committed person may, on behalf of the state, file an application in a probate court or a court with probate jurisdiction for an order to authorize the administration of a psychoactive medication regardless of the committed person's refusal if:

(1) the physician believes that the committed person lacks the capacity to make a decision regarding the administration of the psychoactive medication;

(2) the physician determines that the medication is the proper course of treatment for the committed person;

(3) the committed person is receiving mental health services under Section 841.0835 or other law; and

(4) the committed person, verbally or by other indication, refuses to take the medication voluntarily.

(b) An application filed under this section must state:

(1) that the physician believes that the committed person lacks the capacity to make a decision regarding administration of the psychoactive medication and the reasons for that belief;

(2) each medication the physician wants the court to compel the committed person to take;

(3) whether the committed person is receiving mental health services under Section 841.0835 or other law;

(4) the physician's diagnosis of the committed person; and

(5) the proposed method for administering the

medication and, if the method is not customary, an explanation justifying the departure from the customary methods.

(c) An application filed under this section is separate from an application for court-ordered mental health services.

(d) A hearing on the application must be held not later than the 30th day after the date the application was filed. If the committed person is transferred to a mental health facility in another county, the court may transfer the application to the county where the committed person has been transferred.

(e) Subject to the requirement in Subsection (d) that the hearing be held not later than the 30th day after the date the application was filed, the court may grant one continuance on a party's motion and for good cause shown. The court may grant more than one continuance only with the agreement of the parties.

Added by Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. [1179](#)), Sec. 27, eff. September 1, 2023.

Sec. 841.204. RIGHTS OF COMMITTED PERSON. A committed person for whom an application under Section [841.203](#) is filed is entitled to:

(1) representation by a court-appointed attorney who is knowledgeable about issues to be adjudicated at the hearing;

(2) meet with that attorney as soon as is practicable to prepare for the hearing and to discuss any of the committed person's questions or concerns;

(3) receive, immediately after the time of the hearing is set, a copy of the application and written notice of the time, place, and date of the hearing;

(4) be told, at the time personal notice of the hearing is given, of the committed person's right to a hearing and right to the assistance of an attorney to prepare for the hearing and to answer any questions or concerns;

(5) be present at the hearing;

(6) request from the court an independent expert; and

(7) be notified orally, at the conclusion of the hearing, of the court's determinations of the committed person's capacity and best interests.

Added by Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. [1179](#)), Sec. 27, eff. September 1, 2023.

Sec. 841.205. HEARING AND ORDER AUTHORIZING PSYCHOACTIVE MEDICATION. (a) The court may issue an order authorizing the administration of one or more classes of psychoactive medication to a committed person who is receiving mental health services under Section [841.0835](#) or other law.

(b) The court may issue an order under this section only if the court finds by clear and convincing evidence after a hearing that the committed person:

(1) lacks the capacity to make a decision regarding the administration of the proposed medication and treatment with the proposed medication is in the best interest of the committed person; or

(2) as determined under Section [841.206](#), presents a danger to the committed person or others in the civil commitment center in which the committed person is being treated.

(c) In making the finding that treatment with the proposed medication is in the best interest of the committed person, the court shall consider:

(1) the committed person's expressed preferences regarding treatment with psychoactive medication;

(2) the committed person's religious beliefs;

(3) the risks and benefits, from the perspective of the committed person, of taking psychoactive medication;

(4) the consequences to the committed person if the psychoactive medication is not administered;

(5) the prognosis for the committed person if the committed person is treated with psychoactive medication;

(6) alternative, less intrusive treatments that are likely to produce the same results as treatment with psychoactive medication; and

(7) less intrusive treatments likely to secure the committed person's agreement to take the psychoactive medication.

(d) A hearing under this subchapter shall be conducted on the record by the probate judge or judge with probate jurisdiction,

except as provided by Subsection (e).

(e) A judge may refer a hearing to a magistrate or court-appointed associate judge who has training regarding psychoactive medications. The magistrate or associate judge may provide the notice, set hearing dates, and appoint attorneys as required by this subchapter. A record is not required if the hearing is held by a magistrate or court-appointed associate judge.

(f) A party is entitled to a hearing de novo by the judge if an appeal of the magistrate's or associate judge's report is filed with the court not later than the third day after the date the report is issued. The hearing de novo must be held not later than the 30th day after the date the application under Section [841.203](#) was filed.

(g) If a hearing or an appeal of a magistrate's or associate judge's report is to be held in a county court in which the judge is not a licensed attorney, the committed person or the committed person's attorney may request that the proceeding be transferred to a court with a judge who is licensed to practice law in this state. The county judge shall transfer the case after receiving the request, and the receiving court shall hear the case as if it had been originally filed in that court.

(h) As soon as practicable after the conclusion of the hearing, the committed person is entitled to have provided to the committed person and the committed person's attorney written notification of the court's determinations under this section. The notification must include a statement of the evidence on which the court relied and the reasons for the court's determinations.

(i) An order issued under this section shall authorize the administration to a committed person, regardless of the committed person's refusal, of one or more classes of psychoactive medications specified in the application and consistent with the committed person's diagnosis. The order shall permit an increase or decrease in a medication's dosage, continuation of medication authorized but discontinued during the period the order is valid, or the substitution of a medication within the same class.

(j) The classes of psychoactive medications in the order

must conform to classes determined by the Health and Human Services Commission.

(k) An order issued under this section may be reauthorized or modified on the petition of a party. The order remains in effect pending action on a petition for reauthorization or modification. For the purpose of this subsection, "modification" means a change of a class of medication authorized in the order.

Added by Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. [1179](#)), Sec. 27, eff. September 1, 2023.

Sec. 841.206. FINDING THAT COMMITTED PERSON PRESENTS A DANGER. In making a finding under Section [841.205\(b\)\(2\)](#) that the committed person presents a danger to the committed person or others in the civil commitment center in which the committed person is being treated, the court shall consider:

(1) an assessment of the committed person's present mental condition;

(2) whether the committed person has inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical or emotional harm to the committed person's self or to another while in the center; and

(3) whether the committed person, in the 180-day period preceding the date the committed person was placed in the center, has inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical or emotional harm to another.

Added by Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. [1179](#)), Sec. 27, eff. September 1, 2023.

Sec. 841.207. COSTS. (a) The court shall order the payment of reasonable compensation to attorneys, physicians, language interpreters, sign interpreters, and associate judges appointed under this subchapter. The compensation paid shall be assessed as court costs.

(b) The agency responsible for services under Section [841.0835\(a\)](#) shall pay as provided by Subsection (a) the costs of a hearing held under Section [841.205](#) regarding an order for the

administration of psychoactive medication to a committed person.

Added by Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. [1179](#)), Sec. 27, eff. September 1, 2023.

Sec. 841.208. APPEAL. (a) An appeal from an order issued under Section [841.205](#), or from a renewal or modification of an order, must be filed in the court of appeals for the county in which the order is issued.

(b) Notice of appeal must be filed not later than the 10th day after the date on which the order is issued.

(c) When an appeal is filed, the clerk shall immediately send a certified transcript of the proceedings to the court of appeals.

(d) An order issued under Section [841.205](#) is effective pending an appeal of the order.

(e) The court of appeals and supreme court shall give an appeal under this section preference over all other cases and shall advance the appeal on the docket. The courts may suspend all rules relating to the time for filing briefs and docketing cases.

Added by Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. [1179](#)), Sec. 27, eff. September 1, 2023.

Sec. 841.209. EXPIRATION OF ORDER. An order issued under Section [841.205](#) expires on the first anniversary of the date the order was issued.

Added by Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. [1179](#)), Sec. 27, eff. September 1, 2023.