

OCCUPATIONS CODE

TITLE 3. HEALTH PROFESSIONS

SUBTITLE A. PROVISIONS APPLYING TO HEALTH PROFESSIONS GENERALLY

CHAPTER 109. RELEASE OF SEX OFFENDER TREATMENT INFORMATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 109.001. DEFINITIONS. In this chapter:

Text of subdivision effective until January 01, 2019

(1) "Administration of criminal justice" and "criminal justice agency" have the meanings assigned by Article [60.01](#), Code of Criminal Procedure.

Text of subdivision effective on January 01, 2019

(1) "Administration of criminal justice" and "criminal justice agency" have the meanings assigned by Article [66.001](#), Code of Criminal Procedure.

(2) "Local law enforcement authority" has the meaning assigned by Article [62.001](#), Code of Criminal Procedure.

(3) "Sex offender" has the meaning assigned by Article [42A.251\(2\)](#), Code of Criminal Procedure.

Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14.004(a), eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1008 (H.B. [867](#)), Sec. 2.10, eff. September 1, 2005.

Acts 2015, 84th Leg., R.S., Ch. 770 (H.B. [2299](#)), Sec. 2.80, eff. January 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1058 (H.B. [2931](#)), Sec. 4.15, eff. January 1, 2019.

Sec. 109.002. PURPOSE OF RELEASING INFORMATION. A person who is required by this chapter to release or obtain information may do so only for the administration of criminal justice.

Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14.004(a), eff. Sept. 1, 2003. Amended by Acts 2003, 78th Leg., ch. 6, Sec. 4, eff. April 10, 2003.

Sec. 109.003. IMMUNITY FROM DAMAGES. A person who releases or obtains information as authorized by this chapter is not liable for damages arising from the release of the information.

Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14.004(a), eff. Sept. 1, 2003.

SUBCHAPTER B. RELEASE OF TREATMENT INFORMATION

Sec. 109.051. RELEASE BY PERSONS PROVIDING MENTAL HEALTH OR MEDICAL SERVICES. (a) Information concerning the treatment of a sex offender may be released by a person who:

(1) is licensed or certified in this state to provide mental health or medical services, including a:

- (A) physician;
- (B) psychiatrist;
- (C) psychologist;
- (D) licensed professional counselor;
- (E) licensed marriage and family therapist; or
- (F) social worker; and

(2) while licensed or certified, provides or provided mental health or medical services for the rehabilitation of sex offenders.

(b) Notwithstanding Subtitle B, Title 3, of this code or Chapter 611, Health and Safety Code, a person described by Subsection (a), on request or in the normal course of business, shall release information concerning the treatment of a sex offender to:

- (1) another person described by Subsection (a);
- (2) a criminal justice agency; or
- (3) a local law enforcement authority.

Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14.004(a), eff. Sept. 1, 2003. Amended by Acts 2003, 78th Leg., ch. 6, Sec. 4, eff. April 10, 2003.

Sec. 109.052. RELEASE BY CRIMINAL JUSTICE AGENCY. A criminal justice agency, on request or in the normal course of

official business, shall release information concerning the treatment of a sex offender to:

- (1) another criminal justice agency;
- (2) a local law enforcement authority; or
- (3) a person described by Section [109.051\(a\)](#).

Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14.004(a), eff. Sept. 1, 2003. Amended by Acts 2003, 78th Leg., ch. 6, Sec. 4, eff. April 10, 2003.

Sec. 109.053. RELEASE BY LOCAL LAW ENFORCEMENT AUTHORITY. A local law enforcement authority, on request or in the normal course of official business, shall release information concerning the treatment of a sex offender to:

- (1) another local law enforcement authority;
- (2) a criminal justice agency; or
- (3) a person described by Section [109.051\(a\)](#).

Added by Acts 2003, 78th Leg., ch. 1276, Sec. 14.004(a), eff. Sept. 1, 2003. Amended by Acts 2003, 78th Leg., ch. 6, Sec. 4, eff. April 10, 2003.

Sec. 109.054. TREATMENT INFORMATION. In this subchapter, information concerning the treatment of a sex offender includes:

- (1) criminal history;
- (2) the discharge summary;
- (3) the official offense report;
- (4) progress reports;
- (5) test results;
- (6) victim statements; and
- (7) any other information necessary for the treatment of the sex offender.

Added by Acts 2005, 79th Leg., Ch. 1089 (H.B. [2036](#)), Sec. 2, eff. September 1, 2005.