

1 plan is excessive or redundant and shall suggest a streamlined  
2 process to reduce duplication of efforts on the part of the  
3 council.

4 (b) The division, not later than January 1, 2001, shall  
5 provide a copy of the study and the suggestions for a streamlined  
6 process to the executive director, the board, and the legislature.

7 (c) This section expires January 15, 2001.

8 SECTION 1.41. Subdivision (8), Section 2251.001, Government  
9 Code, is amended to read as follows:

10 (8) "Vendor" means a person who supplies goods or  
11 services to a governmental entity. The term includes Texas  
12 Correctional Industries.

13 SECTION 1.42. Subsection (a), Section 8, Article 42.09, Code  
14 of Criminal Procedure, is amended to read as follows:

15 (a) A county that transfers a defendant to the Texas  
16 Department of Criminal Justice under this article shall deliver to  
17 an officer designated by the department:

18 (1) a copy of the judgment entered pursuant to Article  
19 42.01 of this code, completed on a standardized felony judgment  
20 form described by Section 4 of that article;

21 (2) a copy of any order revoking community supervision  
22 and imposing sentence pursuant to Section 23, Article 42.12, of  
23 this code, including:

24 (A) any amounts owed for restitution, fines, and  
25 court costs, completed on a standardized felony judgment form  
26 described by Section 4, Article 42.01, of this code; and

1 (B) a copy of the client supervision plan  
2 prepared for the defendant by the community supervision and  
3 corrections department supervising the defendant, if such a plan  
4 was prepared;

5 (3) a written report that states the nature and the  
6 seriousness of each offense and that states the citation to the  
7 provision or provisions of the Penal Code or other law under which  
8 the defendant was convicted;

9 (4) a copy of the victim impact statement, if one has  
10 been prepared in the case under Article 56.03 of this code;

11 (5) a statement as to whether there was a change in  
12 venue in the case and, if so, the names of the county prosecuting  
13 the offense and the county in which the case was tried;

14 (6) a copy of the record of arrest for each offense;

15 (7) if requested, information regarding the criminal  
16 history of the defendant, including the defendant's state  
17 identification number if the number has been issued;

18 (8) a copy of the indictment or information for each  
19 offense;

20 (9) a checklist sent by the department to the county  
21 and completed by the county in a manner indicating that the  
22 documents required by this subsection and Subsection (c) of this  
23 section accompany the defendant; and

24 (10) if prepared, a copy of a presentence or  
25 postsentence investigation report prepared under Section 9, Article  
26 42.12 of this code.

1           SECTION 1.43. Subsection (k), Section 9, Article 42.12, Code  
2 of Criminal Procedure, is amended to read as follows:

3           (k) If a presentence report in a felony case is not required  
4 under this section, the judge may [~~shall~~] direct the officer to  
5 prepare a postsentence report containing the same information that  
6 would have been required for the presentence report, other than a  
7 proposed client supervision plan and any information that is  
8 reflected in the judgment. If the postsentence report is ordered,  
9 the [~~The~~] officer shall send the [~~postsentence~~] report to the clerk  
10 of the court not later than the 30th day after the date on which  
11 sentence is pronounced or deferred adjudication is granted, and the  
12 clerk shall deliver the postsentence report with the papers in the  
13 case to a designated officer of the Texas Department of Criminal  
14 Justice, as described [~~required~~] by Section 8(a), Article 42.09.

15           SECTION 1.44. Section 14, Article 42.12, Code of Criminal  
16 Procedure, as amended by Chapter 321, Acts of the 74th Legislature,  
17 Regular Session, 1995, is amended by amending Subsection (c) and  
18 adding Subsection (e) to read as follows:

19           (c) If a judge requires as a condition of community  
20 supervision that the defendant serve a term of confinement and  
21 treatment in a substance abuse treatment facility under this  
22 section, the judge shall also require as a condition of community  
23 supervision that on release from the facility the defendant:

24                 (1) participate in a drug or alcohol abuse continuum  
25 of care treatment plan; and

26                 (2) pay a fee in an amount established by the judge

1 for residential aftercare required as part of the treatment plan.

2 (e) The clerk of a court that collects a fee imposed under  
3 Subsection (c)(2) shall remit the fee to the comptroller, and the  
4 comptroller shall deposit the fee into the general revenue fund.  
5 In requiring the payment of a fee under Subsection (c)(2), the  
6 judge shall consider fines, fees, and other necessary expenses for  
7 which the defendant is obligated in establishing the amount of the  
8 fee. The judge may not:

9 (1) establish the fee in an amount that is greater  
10 than 25 percent of the defendant's gross income while the defendant  
11 is a participant in residential aftercare; or

12 (2) require the defendant to pay the fee at any time  
13 other than a time at which the defendant is both employed and a  
14 participant in residential aftercare.

15 SECTION 1.45. Section 501.024, Labor Code, is amended to  
16 read as follows:

17 Sec. 501.024. EXCLUSIONS FROM COVERAGE. The following  
18 persons are excluded from coverage as an employee under this  
19 chapter:

20 (1) a person performing personal services for the  
21 state as an independent contractor or volunteer;

22 (2) a member of the state military forces as defined  
23 by Section 431.001, Government Code;

24 (3) a person who at the time of injury was performing  
25 services for the federal government and who is covered by some form  
26 of federal workers' compensation insurance;

1 (4) a prisoner or inmate of a prison or correctional  
 2 institution, other than a work program participant participating in  
 3 a Texas Correctional Industries contract described by Section  
 4 497.006, Government Code;

5 (5) a client or patient of a state agency;

6 (6) a person employed by the Texas Department of  
 7 Transportation who is covered under Chapter 505;

8 (7) a person employed by The University of Texas  
 9 System who is covered by Chapter 503; and

10 (8) a person employed by The Texas A&M University  
 11 System who is covered by Chapter 502.

12 SECTION 1.46. Subdivision (2), Section 171.651, Tax Code, is  
 13 amended to read as follows:

14 (2) "Work program participant" has the meaning  
 15 assigned by Section 497.001(b) ["inmate"--means--an--inmate--in--a  
 16 prison--industries-program-operated-by-the-prison-industries-office  
 17 of-the-department-under--Subchapter--A,--Chapter--497], Government  
 18 Code.

19 SECTION 1.47. Section 171.653, Tax Code, is amended to read  
 20 as follows:

21 Sec. 171.653. CREDIT FOR WAGES PAID TO WORK PROGRAM  
 22 PARTICIPANT [~~INMATE~~]. (a) The amount of the credit for wages paid  
 23 by a corporation to a work program participant [~~an inmate~~] is equal  
 24 to 10 percent of that portion of the wages paid that the department  
 25 apportions to the state [~~under Section 497.004(b)(3), Government~~  
 26 ~~Code~~] as reimbursement for the cost of the participant's

1 [inmate's] confinement.

2 (b) A corporation is eligible for the credit under this  
3 section only if it receives before the due date of its franchise  
4 tax report for the privilege period for which the credit is claimed  
5 a written certification from the department stating the amount of  
6 the wages that the corporation paid to a work program participant  
7 [an--inmate] during the privilege period and the amount of those  
8 wages that the department apportioned to the state as reimbursement  
9 for the cost of the participant's [inmate's] confinement.

10 (c) A corporation is eligible for the credit under this  
11 section only if the work program participant [inmate] for whom it  
12 is paid has been continuously employed for not less than six  
13 months.

14 SECTION 1.48. Section 171.654, Tax Code, is amended to read  
15 as follows:

16 Sec. 171.654. CREDIT FOR WAGES PAID TO EMPLOYEE WHO WAS WORK  
17 PROGRAM PARTICIPANT [AN-INMATE]. (a) The amount of the credit for  
18 wages paid by a corporation to an employee who was employed by the  
19 corporation when the employee was a work program participant [an  
20 inmate] is equal to 10 percent of that portion of the wages paid  
21 that, were the employee still a participant [an-inmate], the  
22 department would apportion to the state [~~under---Section~~  
23 ~~497-004(b)(3),--Government--Code,~~] as reimbursement for the cost of  
24 the participant's [inmate's] confinement.

25 (b) A corporation is eligible for the credit under this  
26 section only if:

1           (1) the employee who was formerly a work program  
2 participant [an-inmate] was continuously employed for not less than  
3 six months while a participant [an--inmate] and has been  
4 continuously employed by the corporation for at least one year  
5 after the date that the employee was released from prison or  
6 department supervision;

7           (2) the nature of the employment is substantially  
8 similar to the employment the employee had with the corporation  
9 when the employee was a work program participant [an-inmate] or the  
10 employment requires more skills or provides greater opportunities  
11 for the employee;

12           (3) the corporation has provided the department a  
13 statement of the amount of wages paid the employee during the  
14 accounting period on which the credit is computed; and

15           (4) the corporation receives before the due date of  
16 its franchise tax report for the privilege period for which the  
17 credit is claimed a written certification from the department  
18 stating the amount of the wages that, were the employee still a  
19 work program participant [an-inmate], the department would have  
20 apportioned to the state as reimbursement for the cost of the  
21 participant's [inmate's] confinement.

22           (c) A corporation may claim a credit under this section only  
23 for:

24           (1) wages paid an employee after the employee has been  
25 employed by the corporation for more than one year after the date  
26 of the employee's release from prison or supervision; and

1 (2) wages paid the employee for not longer than one  
2 year.

3 SECTION 1.49. The heading of Subchapter L, Chapter 171, Tax  
4 Code, is amended to read as follows:

5 SUBCHAPTER L. TAX CREDIT FOR WAGES PAID TO

6 TEXAS DEPARTMENT OF CRIMINAL JUSTICE WORK PROGRAM

7 PARTICIPANTS [INMATES] OR FORMER PARTICIPANTS [INMATES]

8 SECTION 1.50. Section 497.090, Government Code, is repealed.

9 SECTION 1.51. Subsection (a), Section 19.005, Education  
10 Code, is amended to read as follows:

11 (a) Any [Only--a] person confined or imprisoned in the  
12 department who is not a high school graduate is eligible for  
13 programs or services under this chapter paid for with money from  
14 the foundation school fund. To the extent space is available, the  
15 district may also offer programs or services under this chapter  
16 paid for with money from the foundation school fund to persons  
17 confined or imprisoned in the department who are high school  
18 graduates.

19 ARTICLE 2

20 SECTION 2.01. Section 497.052, Government Code, is amended  
21 by adding Subsections (d) and (e) to read as follows:

22 (d) A person may not be a public member of the authority if  
23 the person or the person's spouse:

24 (1) is employed by or participates in the management  
25 of a business entity or other organization regulated by or  
26 receiving money from the authority;

1           (2) owns or controls, directly or indirectly, more  
2 than a 10 percent interest in a business entity or other  
3 organization regulated by or receiving money from the authority; or  
4           (3) uses or receives a substantial amount of tangible  
5 goods, services, or money from the authority other than  
6 compensation or reimbursement authorized by law for authority  
7 membership, attendance, or expenses.

8           (e) Appointments to the authority shall be made without  
9 regard to the race, color, disability, sex, religion, age, or  
10 national origin of the appointees.

11           SECTION 2.02. Subchapter C, Chapter 497, Government Code, is  
12 amended by adding Sections 497.0521 through 497.0527 to read as  
13 follows:

14           Sec. 497.0521. CONFLICTS OF INTEREST. (a) In this section,  
15 "Texas trade association" means a cooperative and voluntarily  
16 joined association of business or professional competitors in this  
17 state designed to assist its members and its industry or profession  
18 in dealing with mutual business or professional problems and in  
19 promoting their common interest.

20           (b) A person may not be a member of the authority and may  
21 not be an authority employee employed in a "bona fide executive,  
22 administrative, or professional capacity," as that phrase is used  
23 for purposes of establishing an exemption to the overtime  
24 provisions of the federal Fair Labor Standards Act of 1938 (29  
25 U.S.C. Section 201 et seq.) and its subsequent amendments, if:

26           (1) the person is an officer, employee, or paid

1 consultant of a Texas trade association in the field of private  
2 sector prison industries; or

3 (2) the person's spouse is an officer, manager, or  
4 paid consultant of a Texas trade association in the field of  
5 private sector prison industries.

6 (c) A person may not be a member of the authority or act as  
7 the general counsel to the authority if the person is required to  
8 register as a lobbyist under Chapter 305 because of the person's  
9 activities for compensation on behalf of a profession related to  
10 the operation of the authority.

11 Sec. 497.0522. REMOVAL PROVISIONS. (a) It is a ground for  
12 removal from the authority that a member:

13 (1) does not have at the time of taking office the  
14 qualifications required by Section 497.052(a);

15 (2) does not maintain during service on the authority  
16 the qualifications required by Section 497.052(a);

17 (3) is ineligible for membership under Section  
18 497.052(d) or 497.0521(b) or (c);

19 (4) cannot, because of illness or disability,  
20 discharge the member's duties for a substantial part of the  
21 member's term; or

22 (5) is absent from more than half of the regularly  
23 scheduled authority meetings that the member is eligible to attend  
24 during a calendar year without an excuse approved by a majority  
25 vote of the authority.

26 (b) The validity of an action of the authority is not

1 affected by the fact that it is taken when a ground for removal of  
2 an authority member exists.

3 (c) If the executive director has knowledge that a potential  
4 ground for removal exists, the executive director shall notify the  
5 presiding officer of the authority of the potential ground. The  
6 presiding officer shall then notify the governor and the attorney  
7 general that a potential ground for removal exists. If the  
8 potential ground for removal involves the presiding officer, the  
9 executive director shall notify the next highest ranking officer of  
10 the authority, who shall then notify the governor and the attorney  
11 general that a potential ground for removal exists.

12 Sec. 497.0523. INFORMATION: REQUIREMENTS FOR OFFICE OR  
13 EMPLOYMENT. The executive director or the executive director's  
14 designee shall provide to members of the authority and to agency  
15 employees, as often as necessary, information regarding the  
16 requirements for office or employment under this subchapter,  
17 including information regarding a person's responsibilities under  
18 applicable laws relating to standards of conduct for state officers  
19 or employees.

20 Sec. 497.0524. TRAINING PROGRAM. (a) A person who is  
21 appointed to and qualifies for office as a member of the authority  
22 may not vote, deliberate, or be counted as a member in attendance  
23 at a meeting of the authority until the person completes a training  
24 program that complies with this section.

25 (b) The training program must provide the person with  
26 information regarding:

1           (1) the legislation that created the authority;

2           (2) the programs operated by the authority;

3           (3) the role and functions of the authority;

4           (4) the rules of the authority;

5           (5) the current budget for the authority;

6           (6) the results of the most recent formal audit of the  
7 authority;

8           (7) the requirements of:

9                   (A) the open meetings law, Chapter 551;

10                   (B) the public information law, Chapter 552;

11                   (C) the administrative procedure law, Chapter  
12 2001; and

13                   (D) other laws relating to public officials,  
14 including conflict of interest laws; and

15           (8) any applicable ethics policies adopted by the  
16 department or the Texas Ethics Commission.

17           (c) A person appointed to the authority is entitled to  
18 reimbursement, as provided by the General Appropriations Act, for  
19 the travel expenses incurred in attending the training program  
20 regardless of whether the attendance at the program occurs before  
21 or after the person qualifies for office.

22           Sec. 497.0525. POLICYMAKING AND MANAGEMENT RESPONSIBILITIES.

23           The authority shall develop and implement policies that clearly  
24 separate the policymaking responsibilities of the authority and the  
25 management responsibilities of the staff of the authority.

26           Sec. 497.0526. PUBLIC ACCESS. The authority shall develop

1 and implement policies that provide the public with a reasonable  
2 opportunity to appear before the authority and to speak on any  
3 issue under the jurisdiction of the authority.

4 Sec. 497.0527. COMPLAINTS. (a) The authority shall  
5 maintain a file on each written complaint filed with the authority.

6 The file must include:

7 (1) the name of the person who filed the complaint;

8 (2) the date the complaint is received by the  
9 authority;

10 (3) the subject matter of the complaint;

11 (4) the name of each person contacted in relation to  
12 the complaint;

13 (5) a summary of the results of the review or  
14 investigation of the complaint; and

15 (6) an explanation of the reason the file was closed,  
16 if the authority closed the file without taking action other than  
17 to investigate the complaint.

18 (b) The authority shall provide to the person filing the  
19 complaint and to each person who is a subject of the complaint a  
20 copy of the authority's policies and procedures relating to  
21 complaint investigation and resolution.

22 (c) The authority, at least quarterly until final  
23 disposition of the complaint, shall notify the person filing the  
24 complaint and each person who is a subject of the complaint of the  
25 status of the investigation unless the notice would jeopardize an  
26 undercover investigation.

## ARTICLE 3

SECTION 3.01. Section 614.002, Health and Safety Code, is amended to read as follows:

Sec. 614.002. COMPOSITION OF COUNCIL. (a) The Texas Council on Offenders with Mental Impairments is composed of 30 [29] members.

(b) The governor shall appoint, with the advice and consent of the senate:

(1) four at-large members who have expertise in mental health, mental retardation, or developmental disabilities, one of whom must be a psychiatrist;

(2) one at-large member who is the judge of a court with criminal jurisdiction;

(3) one at-large member who is a prosecuting attorney;

(4) one at-large member who is a criminal defense attorney;

(5) one at-large member from an established pretrial services agency; and

(6) one at-large member who has expertise in the criminal justice system.

(c) A person may not be an at-large member of the council if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the council;

(2) owns or controls, directly or indirectly, more

1 than a 10 percent interest in a business entity or other  
2 organization regulated by or receiving money from the council; or  
3 (3) uses or receives a substantial amount of tangible  
4 goods, services, or money from the council other than compensation  
5 or reimbursement authorized by law for council membership,  
6 attendance, or expenses.

7 (d) A person may not be a member of the council or act as  
8 the general counsel to the council if the person is required to  
9 register as a lobbyist under Chapter 305, Government Code, because  
10 of the person's activities for compensation on behalf of a  
11 profession related to the operation of the council.

12 (e) The executive head of each of the following agencies,  
13 divisions of agencies, or associations, or that person's designated  
14 representative, shall serve as a member of the council:

15 (1) the institutional division of the Texas Department  
16 of Criminal Justice;

17 (2) the Texas Department of Mental Health and Mental  
18 Retardation;

19 (3) the pardons and paroles division of the Texas  
20 Department of Criminal Justice;

21 (4) the community justice assistance division of the  
22 Texas Department of Criminal Justice;

23 (5) the state jail division of the Texas Department of  
24 Criminal Justice;

25 (6) the Texas Juvenile Probation Commission;

26 (7) the Texas Youth Commission;

- (8) the Texas Rehabilitation Commission;
- (9) the Texas Education Agency;
- (10) the Criminal Justice Policy Council;
- (11) the Mental Health Association in Texas;
- (12) the Texas Commission on Alcohol and Drug Abuse;
- (13) the Commission on Law Enforcement Officer Standards and Education;
- (14) the Texas Council of Community Mental Health and Mental Retardation Centers;
- (15) the Commission on Jail Standards;
- (16) the Texas Planning Council for Developmental Disabilities;
- (17) the Texas Association for Retarded Citizens;
- (18) the Texas Alliance for the Mentally Ill;
- (19) the Parent Association for the Retarded of Texas, Inc.;
- (20) the Texas Department of Human Services; and
- (21) the Texas Department on Aging.

(f) [~~d~~] In making the appointments under Subsection (b), the governor shall attempt to reflect the geographic and economic diversity of the state. Appointments to the council shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(g) It is a ground for removal from the council that an at-large member:

- (1) does not have at the time of taking office the

1 qualifications required by Subsections (b), (c), and (k);

2 (2) does not maintain during service on the council  
3 the qualifications required by Subsections (b), (c), and (k);

4 (3) is ineligible for membership under Subsection (c)  
5 or (d);

6 (4) cannot, because of illness or disability,  
7 discharge the member's duties for a substantial part of the  
8 member's term;

9 (5) is absent from more than half of the regularly  
10 scheduled council meetings that the member is eligible to attend  
11 during a calendar year without an excuse approved by a majority  
12 vote of the council; or

13 (6) is absent from more than two consecutive regularly  
14 scheduled council meetings that the member is eligible to attend.

15 (h) The validity of an action of the council is not affected  
16 by the fact that it is taken when a ground for removal of a council  
17 member exists.

18 (i) If the director of the council has knowledge that a  
19 potential ground for removal exists, the director shall notify the  
20 presiding officer of the council of the potential ground. The  
21 presiding officer shall then notify the governor and the attorney  
22 general that a potential ground for removal exists. If the  
23 potential ground for removal involves the presiding officer, the  
24 director shall notify the next highest ranking officer of the  
25 council, who shall then notify the governor and the attorney  
26 general that a potential ground for removal exists.

1            ~~(j) [(e)--It is a ground for removal if an at-large member:~~

2                            ~~[(1)--is not eligible for appointment at the time of~~  
3 ~~appointment as provided by Subsections (b) and (g);~~

4                            ~~[(2)--is absent from more than half of the regularly~~  
5 ~~scheduled council meetings that the member is eligible to attend~~  
6 ~~during each calendar year; or~~

7                            ~~[(3)--is absent from more than two consecutive~~  
8 ~~regularly scheduled council meetings that the member is eligible to~~  
9 ~~attend.~~

10            [(f)] A representative designated by the executive head of a  
11 state agency must be an officer or employee of the agency when  
12 designated and while serving on the council, except the  
13 representative designated by the director of the Criminal Justice  
14 Policy Council must be an employee of that council.

15            (k) [(g)] Members who are not associated with a state agency  
16 or division must have expertise in the rehabilitation of persons  
17 with mental illness, mental retardation, or a developmental  
18 disability when appointed or designated and while serving on the  
19 council.

20            SECTION 3.02. Chapter 614, Health and Safety Code, is  
21 amended by adding Sections 614.003 and 614.0031 to read as follows:

22            Sec. 614.003. INFORMATION: REQUIREMENTS FOR OFFICE OR  
23 EMPLOYMENT. The executive director of the Texas Department of  
24 Criminal Justice or the executive director's designee shall  
25 provide to members of the council and to agency employees, as often  
26 as necessary, information regarding the requirements for office or

1 employment under this chapter, including information regarding a  
2 person's responsibilities under applicable laws relating to  
3 standards of conduct for state officers or employees.

4 Sec. 614.0031. TRAINING PROGRAM. (a) A person who is  
5 appointed to and qualifies for office as a member of the council  
6 may not vote, deliberate, or be counted as a member in attendance  
7 at a meeting of the council until the person completes a training  
8 program that complies with this section.

9 (b) The training program must provide the person with  
10 information regarding:

- 11 (1) the legislation that created the council;  
12 (2) the programs operated by the council;  
13 (3) the role and functions of the council;  
14 (4) the rules of the council;  
15 (5) the current budget for the council;  
16 (6) the results of the most recent formal audit of the  
17 council;  
18 (7) the requirements of:  
19 (A) the open meetings law, Chapter 551,  
20 Government Code;  
21 (B) the public information law, Chapter 552,  
22 Government Code;  
23 (C) the administrative procedure law, Chapter  
24 2001, Government Code; and  
25 (D) other laws relating to public officials,  
26 including conflict of interest laws; and

1           (8) any applicable ethics policies adopted by the  
2 council or the Texas Ethics Commission.

3           (c) A person appointed to the council is entitled to  
4 reimbursement, as provided by the General Appropriations Act, for  
5 the travel expenses incurred in attending the training program  
6 regardless of whether the attendance at the program occurs before  
7 or after the person qualifies for office.

8           SECTION 3.03. Subsection (a), Section 614.005, Health and  
9 Safety Code, is amended to read as follows:

10           (a) The governor shall designate a member of the council as  
11 the presiding officer of the council to serve in that capacity at  
12 the pleasure of the governor [~~council shall elect a presiding~~  
13 ~~officer from its members at the first meeting of each calendar~~  
14 ~~year~~].

15           SECTION 3.04. Section 614.007, Health and Safety Code, is  
16 amended to read as follows:

17           Sec. 614.007. POWERS AND DUTIES. (a) The council shall:

- 18           (1) determine the status of offenders with mental  
19 impairments in the state criminal justice system;
- 20           (2) identify needed services for offenders with mental  
21 impairments;
- 22           (3) develop a plan for meeting the treatment,  
23 rehabilitative, and educational needs of offenders with mental  
24 impairments that includes a case management system and the  
25 development of community-based alternatives to incarceration;
- 26           (4) cooperate in coordinating procedures of

1 represented agencies for the orderly provision of services for  
2 offenders with mental impairments;

3 (5) evaluate programs in this state and outside this  
4 state for offenders with mental impairments and recommend to the  
5 directors of state programs methods of improving the programs;

6 (6) collect and disseminate information about  
7 available programs to judicial officers, law enforcement officers,  
8 probation and parole officers, providers of social services or  
9 treatment, and the public;

10 (7) provide technical assistance to represented  
11 agencies and organizations in the development of appropriate  
12 training programs;

13 (8) apply for and receive money made available by the  
14 federal or state government or by any other public or private  
15 source to be used by the council to perform its duties;

16 (9) distribute to political subdivisions, private  
17 organizations, or other persons money appropriated by the  
18 legislature to be used for the development, operation, or  
19 evaluation of programs for offenders with mental impairments;

20 (10) develop and implement pilot projects to  
21 demonstrate a cooperative program to identify, evaluate, and manage  
22 outside of incarceration offenders with mental impairments; and

23 (11) assess the need for demonstration projects and  
24 provide management for approved projects.

25 (b) The council shall develop and implement policies that  
26 clearly separate the policymaking responsibilities of the council

1 and the management responsibilities of the staff of the council.

2 SECTION 3.05. Chapter 614, Health and Safety Code, is  
3 amended by adding Sections 614.010, 614.0101, and 614.0102 to read  
4 as follows:

5 Sec. 614.010. PERSONNEL. (a) The executive director of the  
6 Texas Department of Criminal Justice or the executive director's  
7 designee shall prepare and maintain a written policy statement that  
8 implements a program of equal employment opportunity to ensure that  
9 all personnel decisions are made without regard to race, color,  
10 disability, sex, religion, age, or national origin.

11 (b) The policy statement must include:

12 (1) personnel policies, including policies relating to  
13 recruitment, evaluation, selection, training, and promotion of  
14 personnel, that show the intent of the council to avoid the  
15 unlawful employment practices described by Chapter 21, Labor Code;  
16 and

17 (2) an analysis of the extent to which the composition  
18 of the council's personnel is in accordance with state and federal  
19 law and a description of reasonable methods to achieve compliance  
20 with state and federal law.

21 (c) The policy statement must:

22 (1) be updated annually;

23 (2) be reviewed by the state Commission on Human  
24 Rights for compliance with Subsection (b)(1); and

25 (3) be filed with the governor's office.

26 Sec. 614.0101. PUBLIC ACCESS. The council shall develop and

1 implement policies that provide the public with a reasonable  
2 opportunity to appear before the council and to speak on any issue  
3 under the jurisdiction of the council.

4 Sec. 614.0102. COMPLAINTS. (a) The council shall maintain  
5 a file on each written complaint filed with the council. The file  
6 must include:

7 (1) the name of the person who filed the complaint;

8 (2) the date the complaint is received by the council;

9 (3) the subject matter of the complaint;

10 (4) the name of each person contacted in relation to  
11 the complaint;

12 (5) a summary of the results of the review or  
13 investigation of the complaint; and

14 (6) an explanation of the reason the file was closed,  
15 if the council closed the file without taking action other than to  
16 investigate the complaint.

17 (b) The council shall provide to the person filing the  
18 complaint and to each person who is a subject of the complaint a  
19 copy of the council's policies and procedures relating to complaint  
20 investigation and resolution.

21 (c) The council, at least quarterly until final disposition  
22 of the complaint, shall notify the person filing the complaint and  
23 each person who is a subject of the complaint of the status of the  
24 investigation unless the notice would jeopardize an undercover  
25 investigation.

26 SECTION 3.06. Section 614.017, Health and Safety Code, is

1 amended to read as follows:

2           Sec. 614.017. EXCHANGE OF INFORMATION. (a) An agency  
3 [~~authorized by this chapter to provide continuity of care for a~~  
4 ~~special-needs-offender~~] may:

5           (1) receive information relating to a special needs  
6 offender regardless of whether other state law makes that  
7 information confidential, if the agency receives the information to  
8 further the purposes of this chapter; or

9           (2) disclose information relating to a special needs  
10 offender, including information about the offender's identity,  
11 needs, treatment, social, criminal, and vocational history,  
12 supervision status and compliance with conditions of supervision,  
13 and medical and mental health history, if the agency discloses the  
14 information to further the purposes of this chapter.

15           (b) This section is not intended to conflict with a federal  
16 law that restricts the disclosure of information described by  
17 Subsection (a).

18           (c) In this section:

19           (1) "Agency" includes any of the following entities [a  
20 ~~division--within--an--agency~~], a person with an agency relationship  
21 with one of the following entities [an-agency], and a person who  
22 contracts with one or more of the following entities:

23                   (A) the institutional division of the Texas  
24 Department of Criminal Justice;

25                   (B) the pardons and paroles division of the  
26 Texas Department of Criminal Justice;

1                   (C) the community justice assistance division of  
2 the Texas Department of Criminal Justice;

3                   (D) the state jail division of the Texas  
4 Department of Criminal Justice;

5                   (E) the Texas Department of Mental Health and  
6 Mental Retardation;

7                   (F) the Texas Juvenile Probation Commission;

8                   (G) the Texas Youth Commission;

9                   (H) the Texas Rehabilitation Commission;

10                  (I) the Texas Education Agency;

11                  (J) the Criminal Justice Policy Council;

12                  (K) the Texas Commission on Alcohol and Drug  
13 Abuse;

14                  (L) the Commission on Jail Standards;

15                  (M) the Texas Department of Human Services;

16                  (N) the Texas Department on Aging;

17                  (O) the Texas School for the Blind and Visually  
18 Impaired;

19                  (P) the Texas Department of Health;

20                  (Q) the Texas Commission for the Deaf and Hard  
21 of Hearing;

22                  (R) community supervision and corrections  
23 departments;

24                  (S) personal bond pretrial release offices  
25 established under Article 17.42, Code of Criminal Procedure; and

26                  (T) local jails regulated by the Commission on

1 Jail Standards [an-agency].

2 (2) "Special needs offender" means an individual who  
3 after conviction or adjudication is in custody or under any form of  
4 criminal justice supervision [a-convicted-felon-or-an-individual  
5 who-is-placed-on-community-supervision-after-a-grant-of-deferred  
6 adjudication--under--Section--57--Article--42-127--Code-of-Criminal  
7 Procedure].

8 SECTION 3.07. Chapter 614, Health and Safety Code, is  
9 amended by adding Section 614.018 to read as follows:

10 Sec. 614.018. USE OF COUNTY JAIL FACILITIES. (a) The  
11 council shall conduct a study on strategies for reducing the use of  
12 county jails to provide mental health treatment to persons with  
13 mental illness.

14 (b) The study must include an examination of:

15 (1) arrest rates of persons with mental illness and  
16 incarceration practices regarding those persons;

17 (2) the feasibility of establishing a regional mental  
18 health detention facility as a pilot facility; and

19 (3) operational issues regarding the establishment of  
20 a pilot facility, including funding strategies and the use of  
21 existing facilities.

22 (c) The council shall file a copy of the study, a synopsis  
23 of the results of the study, and the council's recommendations with  
24 the legislature not later than February 1, 2001.

25 (d) This section expires March 1, 2001.

## ARTICLE 4

SECTION 4.01. The Health and Safety Code is amended by adding Title 11 to read as follows:

TITLE 11. CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORSCHAPTER 841. CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORSSUBCHAPTER 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.

Sec. 841.002. DEFINITIONS. In this chapter:

(1) "Attorney representing the state" means an attorney employed by the prison prosecution unit to initiate and pursue a civil commitment proceeding under this chapter.

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

6           (3) "Case manager" means a person employed by or under  
7 contract with the council to perform duties related to outpatient  
8 treatment and supervision of a person committed under this chapter.

9           (4) "Council" means the Interagency Council on Sex  
10 Offender Treatment.

11           (5) "Predatory act" means an act that is committed for  
12 the purpose of victimization and that is directed toward:

13                   (A) a stranger;

14                   (B) a person of casual acquaintance with whom no  
15 substantial relationship exists; or

16                   (C) a person with whom a relationship has been  
17 established or promoted for the purpose of victimization.

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

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

23           (8) "Sexually violent offense" means:

24                   (A) an offense under Section 21.11(a)(1),  
25 22.011, or 22.021, Penal Code;

26                   (B) an offense under Section 20.04(a)(4), Penal

1 Code, if the defendant committed the offense with the intent to  
2 violate or abuse the victim sexually;

3 (C) an offense under Section 30.02, Penal Code,  
4 if the offense is punishable under Subsection (d) of that section  
5 and the defendant committed the offense with the intent to commit  
6 an offense listed in Paragraph (A) or (B);

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

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

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

17 (9) "Sexually violent predator" has the meaning  
18 assigned by Section 841.003.

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

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

26 (1) is a repeat sexually violent offender; and

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

3           (b) A person is a repeat sexually violent offender for the  
4 purposes of this chapter if the person is convicted of more than  
5 one sexually violent offense and a sentence is imposed for at least  
6 one of the offenses or if:

7                   (1) the person:

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

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

15                           (C) is adjudged not guilty by reason of insanity  
16 of a sexually violent offense; or

17                           (D) is adjudicated by a juvenile court as having  
18 engaged in delinquent conduct constituting a sexually violent  
19 offense and is committed to the Texas Youth Commission under  
20 Section 54.04(d)(3) or (m), Family Code; and

21                   (2) after the date on which under Subdivision (1) the  
22 person is convicted, receives a grant of deferred adjudication, is  
23 adjudged not guilty by reason of insanity, or is adjudicated by a  
24 juvenile court as having engaged in delinquent conduct, the person  
25 commits a sexually violent offense for which the person:

26                           (A) is convicted, but only if the sentence for

1 the offense is imposed; or

2 (B) is adjudged not guilty by reason of  
3 insanity.

4 Sec. 841.004. PRISON PROSECUTION UNIT. A special division  
5 of the prison prosecution unit, separate from that part of the unit  
6 responsible for prosecuting criminal cases, is responsible for  
7 initiating and pursuing a civil commitment proceeding under this  
8 chapter.

9 Sec. 841.005. OFFICE OF STATE COUNSEL FOR OFFENDERS. The  
10 Office of State Counsel for Offenders shall represent a person  
11 subject to a civil commitment proceeding under this chapter.

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

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

17 (2) create for the committed person a cause of action  
18 against another person for failure to give notice within a period  
19 required by Subchapter B.

20 Sec. 841.007. DUTIES OF INTERAGENCY COUNCIL ON SEX OFFENDER  
21 TREATMENT. The Interagency Council on Sex Offender Treatment is  
22 responsible for providing appropriate and necessary treatment and  
23 supervision through the case management system.

24 [Sections 841.008-841.020 reserved for expansion]

1                   SUBCHAPTER B. NOTICE OF POTENTIAL PREDATOR;

2                                   INITIAL DETERMINATIONS

3                   Sec. 841.021. NOTICE OF POTENTIAL PREDATOR. (a) Before the  
4 person's anticipated release date, the Texas Department of Criminal  
5 Justice shall give to the multidisciplinary team established under  
6 Section 841.022 written notice of the anticipated release of a  
7 person who:

8                                   (1) is serving a sentence for a sexually violent  
9 offense; and

10                                   (2) may be a repeat sexually violent offender.

11                   (b) Before the person's anticipated discharge date, the  
12 Texas Department of Mental Health and Mental Retardation shall give  
13 to the multidisciplinary team established under Section 841.022  
14 written notice of the anticipated discharge of a person who:

15                                   (1) is committed to the department after having been  
16 adjudged not guilty by reason of insanity of a sexually violent  
17 offense; and

18                                   (2) may be a repeat sexually violent offender.

19                   (c) The Texas Department of Criminal Justice or the Texas  
20 Department of Mental Health and Mental Retardation, as appropriate,  
21 shall give the notice described by Subsection (a) or (b) not later  
22 than the first day of the 16th month before the person's  
23 anticipated release or discharge date, but under exigent  
24 circumstances may give the notice at any time before the  
25 anticipated release or discharge date. The notice must contain the  
26 following information:

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

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

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

8           Sec. 841.022. MULTIDISCIPLINARY TEAM. (a) The executive  
9 director of the Texas Department of Criminal Justice and the  
10 commissioner of the Texas Department of Mental Health and Mental  
11 Retardation jointly shall establish a multidisciplinary team to  
12 review available records of a person referred to the team under  
13 Section 841.021. The team must include:

14           (1) two persons from the Texas Department of Mental  
15 Health and Mental Retardation;

16           (2) three persons from the Texas Department of  
17 Criminal Justice, one of whom must be from the victim services  
18 office of that department;

19           (3) one person from the Texas Department of Public  
20 Safety; and

21           (4) one person from the council.

22           (b) The multidisciplinary team may request the assistance of  
23 other persons in making a determination under this section.

24           (c) Not later than the 30th day after the date the  
25 multidisciplinary team receives notice under Section 841.021(a) or  
26 (b), the team shall: