

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

## **MEMORANDUM OF UNDERSTANDING**

### **I. Parties**

The undersigned District Attorney, Criminal District Attorney, or County Attorney with felony criminal jurisdiction is the “attorney representing the state” in a civil commitment proceeding under Chapter 841 of the Texas Health and Safety Code, Sec. 841.002(1).

According to Section 841.023(b) of the Texas Health and Safety Code, the Texas Department of Criminal Justice (TDCJ) “shall give notice of their behavioral abnormality 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.”

The Special Prosecution Unit (SPU) is an independent unit of attorneys and staff that, “on request of the attorney representing the state, the special prosecution unit shall provide legal, financial, and technical assistance to the attorney for a civil commitment proceeding conducted under this chapter.” Chapter 841 of the Texas Health and Safety Code, Sec. 841.042. The SPU has a civil division with attorneys and staff who are experienced in all aspects of civil commitment proceedings.

### **II. Purpose of Memorandum**

This memorandum generally describes the role of the SPU with regard to a “civil commitment proceeding” within the jurisdiction of the District Attorney, Criminal District Attorney, or County Attorney with felony criminal jurisdiction.

A “civil commitment proceeding” is defined as “a trial or hearing conducted under Subchapter D, F, or G” pursuant to Sec. 841.002(3-a) of the Texas Health and Safety Code.

Subchapter D governs Trial/Appeal

Subchapter F governs Commitment Reviews to include Biennial Examination and Review

Subchapter G governs Petition for Release – Authorized and Unauthorized

### **III. SPU as Special Prosecutor**

SPU will assign an attorney or attorneys as special prosecutor(s) to provide legal, financial, and technical assistance to the attorney representing the state for a civil commitment proceeding. The attorney or attorneys assigned are employees of and supervised by SPU.

SPU is responsible for the salaries of SPU attorneys and staff, and providing legal, financial, and technical assistance to the attorney representing the state for a civil commitment proceeding.

**IV. Responsibilities of the Attorney Representing the State**

Prepare the required oath and documentation for the assigned SPU attorney(s) to initiate and pursue a civil commitment proceeding on behalf of the attorney representing the state.

Support and promote the efforts of the SPU for an effective and ethical practice of law when initiating and pursuing a civil commitment proceeding on behalf of the attorney representing the state.

Effective and agreed to as the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
SPU Executive Director

\_\_\_\_\_  
Attorney Representing the State

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Jurisdiction