

1-1 By: Uresti S.B. No. 773
 1-2 (In the Senate - Filed February 7, 2017; February 22, 2017,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 March 23, 2017, reported favorably by the following vote: Yeas 6,
 1-5 Nays 0, 1 present not voting; March 23, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11				X
1-12			X	
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the authority of a judge to compel a criminal defendant
 1-20 who lacks capacity to take psychoactive medication.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 574.106(a-1), Health and Safety Code, is
 1-23 amended to read as follows:

1-24 (a-1) The court may issue an order under this section only
 1-25 if the court finds by clear and convincing evidence after the
 1-26 hearing:

1-27 (1) that the patient lacks the capacity to make a
 1-28 decision regarding the administration of the proposed medication
 1-29 and treatment with the proposed medication is in the best interest
 1-30 of the patient; or

1-31 (2) if the patient was ordered to receive inpatient
 1-32 mental health services by a criminal court with jurisdiction over
 1-33 the patient, that treatment with the proposed medication is in the
 1-34 best interest of the patient and ~~either~~:

1-35 (A) the patient presents a danger to the patient
 1-36 or others in the inpatient mental health facility in which the
 1-37 patient is being treated as a result of a mental disorder or mental
 1-38 defect as determined under Section 574.1065; ~~or~~

1-39 (B) the patient:
 1-40 (i) has remained confined in a correctional
 1-41 facility, as defined by Section 1.07, Penal Code, for a period
 1-42 exceeding 72 hours while awaiting transfer for competency
 1-43 restoration treatment; and

1-44 (ii) presents a danger to the patient or
 1-45 others in the correctional facility as a result of a mental disorder
 1-46 or mental defect as determined under Section 574.1065; or

1-47 (C) the patient lacks the capacity to make a
 1-48 decision regarding the administration of the proposed medication.

1-49 SECTION 2. This Act takes effect September 1, 2017.

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