

1-1 By: Rodríguez S.B. No. 803
 1-2 (In the Senate - Filed February 12, 2019; March 1, 2019,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 April 24, 2019, reported favorably by the following vote: Yeas 6,
 1-5 Nays 0; April 24, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman	X			
1-9 Buckingham	X			
1-10 Flores	X			
1-11 Hughes			X	
1-12 Miles	X			
1-13 Perry	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to a written assessment regarding a defendant suspected of
 1-18 having a mental illness or an intellectual disability.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article 16.22, Code of Criminal Procedure, is
 1-21 amended by amending Subsection (b-1) and adding Subsection (b-2) to
 1-22 read as follows:

1-23 (b-1) The magistrate shall provide copies of the written
 1-24 assessment to:

- 1-25 (1) the defense counsel;
- 1-26 (2) [✓] the attorney representing the state;
- 1-27 (3) [~~✓~~] the trial court;
- 1-28 (4) the sheriff or other person responsible for the
 1-29 defendant's medical records while the defendant is confined in
 1-30 county jail; and

1-31 (5) as applicable:
 1-32 (A) any personal bond office established under
 1-33 Article 17.42 for the county in which the defendant is being
 1-34 confined; or

1-35 (B) the director of the office or department that
 1-36 is responsible for supervising the defendant while the defendant is
 1-37 released on bail and receiving mental health or intellectual
 1-38 disability services as a condition of bail.

1-39 (b-2) The written assessment must include a description of
 1-40 the procedures used in the collection of information under
 1-41 Subsection (a)(1)(A) and the applicable expert's observations and
 1-42 findings pertaining to:

- 1-43 (1) whether the defendant is a person who has a mental
 1-44 illness or is a person with an intellectual disability;
- 1-45 (2) whether there is clinical evidence to support a
 1-46 belief that the defendant may be incompetent to stand trial and
 1-47 should undergo a complete competency examination under Subchapter
 1-48 B, Chapter 46B; and
- 1-49 (3) any appropriate or recommended treatment or
 1-50 service.

1-51 SECTION 2. The change in law made by this Act applies only
 1-52 to a person who is arrested on or after the effective date of this
 1-53 Act. A person arrested before the effective date of this Act is
 1-54 governed by the law in effect on the date the person was arrested,
 1-55 and the former law is continued in effect for that purpose.

1-56 SECTION 3. This Act takes effect September 1, 2019.

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