

1-1 By: Zaffirini S.B. No. 49
 1-2 (In the Senate - Filed November 9, 2020; March 3, 2021, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 12, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 0; April 12, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

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

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 49 By: Huffman

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

1-19 relating to procedures regarding defendants who are or may be
 1-20 persons with a mental illness or intellectual disability.

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

1-22 SECTION 1. Article 16.22(a)(2), Code of Criminal Procedure,
 1-23 is amended to read as follows:

1-24 (2) The magistrate is not required to order the
 1-25 interview and collection of other information under Subdivision (1)
 1-26 if the defendant is no longer in custody or if the defendant in the
 1-27 year preceding the defendant's applicable date of arrest has been
 1-28 determined to have a mental illness or to be a person with an
 1-29 intellectual disability by the service provider that contracts with
 1-30 the jail to provide mental health or intellectual and developmental
 1-31 disability services, the local mental health authority, the local
 1-32 intellectual and developmental disability authority, or another
 1-33 mental health or intellectual and developmental disability expert
 1-34 described by Subdivision (1). A court that elects to use the
 1-35 results of that previous determination may proceed under Subsection
 1-36 (c).

1-37 SECTION 2. Article 16.22, Code of Criminal Procedure, is
 1-38 amended by amending Subsection (b-1) and adding Subsection (b-2) to
 1-39 read as follows:

1-40 (b-1) The magistrate shall provide copies of the written
 1-41 report to:

- 1-42 (1) the defense counsel;
- 1-43 (2) the attorney representing the state;
- 1-44 (3) ~~the trial court;~~
- 1-45 (4) the sheriff or other person responsible for the
 1-46 defendant's medical records while the defendant is confined in
 1-47 county jail; and

1-48 (5) as applicable:

1-49 (A) any personal bond office established under
 1-50 Article 17.42 for the county in which the defendant is being
 1-51 confined; or

1-52 (B) the director of the office or department that
 1-53 is responsible for supervising the defendant while the defendant is
 1-54 released on bail and receiving mental health or intellectual and
 1-55 developmental disability services as a condition of bail.

1-56 (b-2) The written report must include a description of the
 1-57 procedures used in the interview and collection of other
 1-58 information under Subsection (a)(1)(A) and the applicable expert's
 1-59 observations and findings pertaining to:

- 1-60 (1) whether the defendant is a person who has a mental

2-1 illness or is a person with an intellectual disability;
2-2 (2) whether there is clinical evidence to support a
2-3 belief that the defendant may be incompetent to stand trial and
2-4 should undergo a complete competency examination under Subchapter
2-5 B, Chapter 46B; and

2-6 (3) any appropriate or recommended treatment or
2-7 service.

2-8 SECTION 3. The change in law made by this Act applies only
2-9 to a person who is arrested on or after the effective date of this
2-10 Act. A person arrested before the effective date of this Act is
2-11 governed by the law in effect on the date the person was arrested,
2-12 and the former law is continued in effect for that purpose.

2-13 SECTION 4. This Act takes effect September 1, 2021.

2-14

* * * * *