

1-1 By: Schwertner S.B. No. 528
1-2 (In the Senate - Filed December 5, 2024; February 3, 2025,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; April 14, 2025, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; April 14, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Kolkhorst	X		
1-9	Perry	X		
1-10	Blanco	X		
1-11	Cook	X		
1-12	Hall	X		
1-13	Hancock	X		
1-14	Hughes	X		
1-15	Miles	X		
1-16	Sparks	X		

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

1-19 relating to inpatient competency restoration services.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subtitle C, Title 7, Health and Safety Code, is
1-22 amended by adding Chapter 580 to read as follows:

1-23 CHAPTER 580. INPATIENT COMPETENCY RESTORATION SERVICES

1-24 Sec. 580.001. DEFINITIONS. In this chapter:

1-25 (1) "Commission" means the Health and Human Services
1-26 Commission.

1-27 (2) "Competency restoration" has the meaning assigned
1-28 by Article 46B.001, Code of Criminal Procedure.

1-29 (3) "Residential care facility" has the meaning
1-30 assigned by Section 591.003.

1-31 Sec. 580.002. APPLICABILITY. This chapter applies only to
1-32 a facility that contracts with the commission to provide inpatient
1-33 competency restoration services for an individual to stand trial in
1-34 accordance with Chapter 46B, Code of Criminal Procedure.

1-35 Sec. 580.003. MEMORANDUM OF UNDERSTANDING. The executive
1-36 commissioner by rule shall require each facility to which this
1-37 chapter applies to enter into a memorandum of understanding with
1-38 the county and municipality in which the facility is located and
1-39 each local mental health authority and local behavioral health
1-40 authority that operates in the county or municipality, as
1-41 applicable, to outline the respective powers and duties of the
1-42 parties with respect to inpatient competency restoration services.

1-43 Sec. 580.004. ANNUAL REPORT TO COMMISSION. (a) The
1-44 commission shall require each facility to which this chapter
1-45 applies to annually provide to the commission, in the form and
1-46 manner the commission requires, the following information for the
1-47 preceding year regarding individuals who received inpatient
1-48 competency restoration services at the facility:

1-49 (1) the total number of individuals who received
1-50 inpatient competency restoration services at the facility and the
1-51 number of those individuals who were restored to competency;

1-52 (2) for those individuals who were restored to
1-53 competency, the average number of days the individuals received
1-54 services at the facility;

1-55 (3) the number of individuals who were restored to
1-56 competency after receiving services at the facility for not more
1-57 than 60 days;

1-58 (4) the number of individuals who were not restored to
1-59 competency within the initial restoration period and for whom a
1-60 treatment extension was sought;

1-61 (5) the number of individuals who were not restored to

competency and who were transferred to an inpatient mental health facility or residential care facility; and

(6) for individuals who were not restored to competency, the average length of time between the date a determination was made that an individual was not restored to competency and the date the individual was transferred to an inpatient mental health facility or residential care facility.

(b) The data in the report must be disaggregated by whether the individual was charged with a misdemeanor or felony offense and by any other appropriate demographic factors determined by the commission.

Sec. 580.005. ANNUAL REPORT TO LEGISLATURE. Not later than September 1 of each year, the commission shall prepare and submit to the legislature a written report on inpatient competency restoration services in this state for the preceding year. The report must include:

(1) a performance evaluation of each facility to which this chapter applies;

(2) aggregated demographic data on individuals who received inpatient competency restoration services at a facility to which this chapter applies, including the criminal offenses the individuals were charged with, the individuals' countries of origin, and the individuals' diagnoses, if applicable; and

(3) the overall cost of providing inpatient competency restoration services at a facility to which this chapter applies compared to the cost of:

(A) providing forensic inpatient competency restoration services at a state hospital; and

(B) other competency restoration programs managed by the commission.

SECTION 2. Notwithstanding Section 580.005, Health and Safety Code, as added by this Act, the Health and Human Services Commission is not required to submit the initial report required by that section until September 1, 2027.

SECTION 3. This Act takes effect September 1, 2025.

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