

By: Moody, Rose

H.B. No. 4212

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

SECTION 2. Article 17.04, Code of Criminal Procedure, is amended to read as follows:

Art. 17.04. REQUISITES OF A PERSONAL BOND. (a) A personal bond is sufficient if it includes the requisites of a bail bond as set out in Article 17.08, except that no sureties are required. In

1 addition, a personal bond shall contain:

2 (1) the defendant's name, address, and place of
3 employment;

4 (2) identification information, including the
5 defendant's:

6 (A) date and place of birth;

7 (B) height, weight, and color of hair and eyes;

8 (C) driver's license number and state of
9 issuance, if any; and

10 (D) nearest relative's name and address, if any;
11 and

12 (3) except as provided by Subsection (b), the
13 following oath sworn and signed by the defendant:

14 "I swear that I will appear before (the court or magistrate)
15 at (address, city, county) Texas, on the (date), at the hour of
16 (time, a.m. or p.m.) or upon notice by the court, or pay to the court
17 the principal sum of (amount) plus all necessary and reasonable
18 expenses incurred in any arrest for failure to appear."

19 (b) A personal bond is not required to contain the oath
20 described by Subsection (a)(3) if:

21 (1) the magistrate makes a determination under Article
22 16.22 that the defendant has a mental illness or is a person with an
23 intellectual disability, including by using the results of a
24 previous determination under that article;

25 (2) the defendant is released on personal bond under
26 Article 17.032; or

27 (3) the defendant is found incompetent to stand trial

1 in accordance with Chapter 46B.

2 SECTION 3. Subchapter B, Chapter 45, Code of Criminal
3 Procedure, is amended by adding Article 45.0214 to read as follows:

4 Art. 45.0214. DEFENDANT WITH MENTAL ILLNESS, INTELLECTUAL
5 OR DEVELOPMENTAL DISABILITY, OR LACK OF CAPACITY. (a) In this
6 article:

7 (1) "Caregiver" means a person, including a guardian,
8 who is authorized by law, contract, or familial relationship to
9 provide care to another person.

10 (2) "Defendant" includes a child as defined by Article
11 45.058(h).

12 (b) On motion by the state, the defendant, or a person who
13 stands in a parental relation to the defendant or who acts as the
14 defendant's caregiver, or on the court's own motion, a justice or
15 judge shall determine whether probable cause exists to believe that
16 a defendant, including a defendant with a mental illness or an
17 intellectual or developmental disability:

18 (1) lacks the capacity to understand the proceedings
19 in criminal court or to assist in the defendant's own defense; or

20 (2) is unfit to proceed.

21 (c) If the court determines that probable cause exists for a
22 finding under Subsection (b), after providing notice to the state,
23 the court may dismiss the complaint.

24 (d) A dismissal of a complaint under Subsection (c) may be
25 appealed as provided by Article 44.01.

26 SECTION 4. Subchapter B, Chapter 45, Code of Criminal
27 Procedure, is amended by adding Article 45.0241 to read as follows:

1 Art. 45.0241. ACCEPTANCE OF PLEA OF GUILTY OR NOLO
2 CONTENDERE. Notwithstanding any other law, a justice or judge may
3 not accept a plea of guilty or plea of nolo contendere under Article
4 45.022 or 45.023(a) unless it appears that the defendant is
5 mentally competent and the plea is free and voluntary.

6 SECTION 5. Article 46B.009, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 46B.009. TIME CREDITS. (a) A court sentencing a
9 person convicted of a criminal offense shall credit to the term of
10 the person's sentence each of the following periods for which the
11 person may be confined in a mental health facility, residential
12 care facility, or jail:

13 (1) any period of confinement that occurs pending a
14 determination under Subchapter C as to the defendant's competency
15 to stand trial; and

16 (2) any period of confinement that occurs between the
17 date of any initial determination of the defendant's incompetency
18 under that subchapter and the date the person is transported to jail
19 following a final judicial determination that the person has been
20 restored to competency.

21 (b) A court sentencing a person convicted of a criminal
22 offense shall credit to the term of the person's sentence any period
23 during which the person participated in an outpatient competency
24 restoration program.

25 SECTION 6. Subchapter D, Chapter 46B, Code of Criminal
26 Procedure, is amended by adding Article 46B.0735 to read as
27 follows:

1 Art. 46B.0735. DATE COMPETENCY RESTORATION PERIOD BEGINS.

2 The initial restoration period for a defendant under Article
3 46B.0711, 46B.072, or 46B.073 begins on the later of:

4 (1) the date the defendant is:

5 (A) ordered to participate in an outpatient
6 competency restoration program; or

7 (B) committed to a mental health facility,
8 residential care facility, or jail-based competency restoration
9 program; or

10 (2) the date competency restoration services actually
11 begin.

12 SECTION 7. Article 46B.080, Code of Criminal Procedure, is
13 amended by adding Subsection (d) to read as follows:

14 (d) An extension under this article begins on the later of:

15 (1) the date the court enters the order under
16 Subsection (a); or

17 (2) the date competency restoration services actually
18 begin pursuant to the order entered under Subsection (a).

19 SECTION 8. Article 46B.090, Code of Criminal Procedure, is
20 amended by amending Subsections (a-1), (b), (c), (f), (g), (i),
21 (j), (k), (l), (m), and (n) and adding Subsections (f-1), (l-1),
22 (l-2), and (o) to read as follows:

23 (a-1) If the legislature appropriates to the commission
24 [~~department~~] the funding necessary for the commission [~~department~~]
25 to operate a jail-based restoration of competency pilot program as
26 described by this article, the commission [~~department~~] shall
27 develop and implement the pilot program in one or two counties in

1 this state that choose to participate in the pilot program. In
2 developing the pilot program, the commission [~~department~~] shall
3 coordinate and allow for input from each participating county.

4 (b) The commission [~~department~~] shall contract with a
5 provider of jail-based competency restoration services to provide
6 services under the pilot program if the commission [~~department~~]
7 develops a pilot program under this article.

8 (c) The executive [~~Not later than November 1, 2013, the~~]
9 commissioner [~~of the department~~] shall adopt rules as necessary to
10 implement the pilot program. [~~In adopting rules under this article,~~
11 ~~the commissioner shall specify the types of information the~~
12 ~~department must collect during the operation of the pilot program~~
13 ~~for use in evaluating the outcome of the pilot program.]~~

14 (f) To contract with the commission [~~department~~] under
15 Subsection (b), a provider of jail-based competency restoration
16 services must [~~demonstrate to the department that~~]:

- 17 (1) be [~~the provider:~~
18 [~~(A) has previously provided jail-based~~
19 ~~competency restoration services for one or more years; or~~
20 [~~(B) is~~] a local mental health authority or local
21 behavioral health authority that is in good standing with the
22 commission, which may include an authority that is in good standing
23 with the commission and subcontracts with a provider of jail-based
24 competency restoration services [~~that has previously provided~~
25 ~~competency restoration services~~]; and

- 26 (2) contract with a county or counties to develop and
27 implement a jail-based competency restoration program.

1 (f-1) The ~~[the]~~ provider's jail-based competency
2 restoration program must:

3 (1) through the use of a multidisciplinary treatment
4 team, provide jail-based competency restoration services that are:

5 (A) ~~[uses a multidisciplinary treatment team to~~
6 ~~provide clinical treatment that is:~~

7 ~~[(i)]~~ directed toward the specific
8 objective of restoring the defendant's competency to stand trial;
9 and

10 (B) ~~[(ii)]~~ similar to other ~~[the clinical~~
11 ~~treatment provided as part of a]~~ competency restoration programs
12 ~~[program at an inpatient mental health facility];~~

13 (2) employ ~~[(B) employs]~~ or contract ~~[contracts]~~ for
14 the services of at least one psychiatrist;

15 (3) provide jail-based competency restoration
16 services through licensed or qualified mental health
17 professionals;

18 (4) provide ~~[and (C) provides]~~ weekly competency
19 restoration ~~[treatment]~~ hours commensurate to the ~~[treatment]~~
20 hours provided as part of other ~~[a]~~ competency restoration programs
21 ~~[program at an inpatient mental health facility];~~

22 (5) operate in the jail in a designated space that is
23 separate from the space used for the general population of the jail;

24 (6) ensure coordination of general health care;

25 (7) provide mental health treatment and substance use
26 disorder treatment to defendants, as necessary, for competency
27 restoration; and

1 (8) supply clinically appropriate psychoactive
2 medications for purposes of administering court-ordered medication
3 to defendants as applicable and in accordance with Article 46B.086
4 of this code or Section 574.106, Health and Safety Code

5 ~~[(3) the provider is certified by a nationwide~~
6 ~~nonprofit organization that accredits health care organizations~~
7 ~~and programs, such as the Joint Commission on Health Care Staffing~~
8 ~~Services, or the provider is a local mental health authority in good~~
9 ~~standing with the department; and~~

10 ~~[(4) the provider has a demonstrated history of~~
11 ~~successful jail-based competency restoration outcomes or, if the~~
12 ~~provider is a local mental health authority, a demonstrated history~~
13 ~~of successful competency restoration outcomes].~~

14 (g) A contract under Subsection (b) must require the
15 designated provider to collect and submit to the commission
16 ~~[department]~~ the information specified by rules adopted under
17 Subsection (c).

18 (i) A [The] psychiatrist or psychologist for the provider
19 who has the qualifications described by Article 46B.022 shall
20 evaluate the defendant's competency and report to the court as
21 required by Article 46B.079 ~~[conduct at least two full psychiatric~~
22 ~~evaluations of the defendant during the period the defendant~~
23 ~~receives competency restoration services in the jail. The~~
24 ~~psychiatrist must conduct one evaluation not later than the 21st~~
25 ~~day and one evaluation not later than the 55th day after the date~~
26 ~~the defendant begins to participate in the pilot program. The~~
27 ~~psychiatrist shall submit to the court a report concerning each~~

1 ~~evaluation required under this subsection].~~

2 (j) If at any time during a defendant's participation in the
3 jail-based restoration of competency pilot program the
4 psychiatrist or psychologist for the provider determines that the
5 defendant has attained competency to stand trial:

6 (1) the psychiatrist or psychologist for the provider
7 shall promptly issue and send to the court a report demonstrating
8 that fact; and

9 (2) the court shall consider that report as the report
10 of an expert stating an opinion that the defendant has been restored
11 to competency for purposes of Article [46B.0755](#)(a) or (b).

12 (k) If at any time during a defendant's participation in the
13 jail-based restoration of competency pilot program the
14 psychiatrist or psychologist for the provider determines that the
15 defendant's competency to stand trial is unlikely to be restored in
16 the foreseeable future:

17 (1) the psychiatrist or psychologist for the provider
18 shall promptly issue and send to the court a report demonstrating
19 that fact; and

20 (2) the court shall:

21 (A) proceed under Subchapter E or F and order the
22 transfer of the defendant, without unnecessary delay, to the first
23 available facility that is appropriate for that defendant, as
24 provided under Subchapter E or F, as applicable; or

25 (B) release the defendant on bail as permitted
26 under Chapter [17](#).

27 (1) If the psychiatrist or psychologist for the provider

1 determines that a defendant ordered to participate in the pilot
2 program has not been restored to competency by the end of the 60th
3 day after the date the defendant began to receive services in the
4 pilot program, the jail-based competency restoration program shall
5 continue to provide competency restoration services to the
6 defendant for the period authorized by this subchapter, including
7 any extension ordered under Article 46B.080, unless the jail-based
8 competency restoration program is notified that space at a facility
9 or outpatient competency restoration program appropriate for the
10 defendant is available and, as applicable:

11 (1) for a defendant charged with a felony, not less
12 than 45 days are remaining in the initial restoration period; or

13 (2) for a defendant charged with a felony or a
14 misdemeanor, an extension has been ordered under Article 46B.080
15 and not less than 45 days are remaining under the extension order.

16 (1-1) After receipt of a notice under Subsection (1), [+

17 ~~[(1) for a defendant charged with a felony, the~~
18 ~~defendant shall be transferred, without unnecessary delay and for~~
19 ~~the remainder of the period prescribed by Article 46B.073(b), to~~
20 ~~the first available facility that is appropriate for that defendant~~
21 ~~as provided by Article 46B.073(c) or (d); and~~

22 ~~[(2) for a defendant charged with a misdemeanor, the~~
23 ~~court may:~~

24 ~~[(A) order a single extension under Article~~
25 ~~46B.080 and the transfer of] the defendant shall be transferred~~

26 without unnecessary delay to the appropriate mental health

27 facility, [or] residential care facility, or outpatient competency

1 restoration program [as provided by Article 46B.073(d)] for the
2 remainder of the period permitted by this subchapter, including any
3 extension that may be ordered under Article 46B.080 if an extension
4 has not previously been ordered under that article. If the
5 defendant is not transferred, and if the psychiatrist or
6 psychologist for the provider determines that the defendant has not
7 been restored to competency by the end of the period authorized by
8 this subchapter, the defendant shall be returned to the court for
9 further proceedings. For a defendant charged with a misdemeanor,
10 the court may:

- 11 (1) [~~under the extension,~~
12 [~~(B)~~] proceed under Subchapter E or F;
- 13 (2) [~~(C)~~] release the defendant on bail as permitted
14 under Chapter 17; or
- 15 (3) [~~(D)~~] dismiss the charges in accordance with
16 Article 46B.010.

17 (1-2) The court retains authority to order the transfer of a
18 defendant who is subject to an order for jail-based competency
19 restoration services to an outpatient competency restoration
20 program if:

- 21 (1) the court determines that the defendant is not a
22 danger to others and may be safely treated on an outpatient basis
23 with the specific objective of attaining competency to stand trial;
24 and
- 25 (2) the other requirements of this subchapter relating
26 to an order for outpatient competency restoration services are met.

27 (m) Unless otherwise provided by this article, the

1 provisions of this chapter, including the maximum periods
2 prescribed by Article 46B.0095, apply to a defendant receiving
3 competency restoration services, including competency restoration
4 education services, under the pilot program in the same manner as
5 those provisions apply to any other defendant who is subject to
6 proceedings under this chapter.

7 (n) If the commission [~~department~~] develops and implements
8 a jail-based restoration of competency pilot program under this
9 article, not later than December 1, 2021 [~~2018~~], the executive
10 commissioner [~~of the department~~] shall submit a report concerning
11 the pilot program to the presiding officers of the standing
12 committees of the senate and house of representatives having
13 primary jurisdiction over health and human services issues and over
14 criminal justice issues. The report must include the information
15 collected by the commission [~~department~~] during the pilot program
16 and the executive commissioner's evaluation of the outcome of the
17 program as of the date the report is submitted.

18 (o) This article expires September 1, 2022. After the
19 expiration of this article, a pilot program established under this
20 article may continue to operate subject to the requirements of
21 Article 46B.091.

22 SECTION 9. Article 46B.091, Code of Criminal Procedure, is
23 amended by amending Subsections (g) and (j) and adding Subsections
24 (j-1) and (m) to read as follows:

25 (g) A psychiatrist or psychologist for the provider who has
26 the qualifications described by Article 46B.022 shall evaluate the
27 defendant's competency and report to the court as required by

1 Article 46B.079 [~~conduct at least two full psychiatric or~~
2 ~~psychological evaluations of the defendant during the period the~~
3 ~~defendant receives competency restoration services in the~~
4 ~~jail. The psychiatrist or psychologist must conduct one~~
5 ~~evaluation not later than the 21st day and one evaluation not later~~
6 ~~than the 55th day after the date the defendant is committed to the~~
7 ~~program. The psychiatrist or psychologist shall submit to the~~
8 ~~court a report concerning each evaluation required under this~~
9 ~~subsection].~~

10 (j) If the psychiatrist or psychologist for the provider
11 determines that a defendant committed to a program implemented
12 under this article has not been restored to competency by the end of
13 the 60th day after the date the defendant began to receive services
14 in the program, the jail-based competency restoration program shall
15 continue to provide competency restoration services to the
16 defendant for the period authorized by this subchapter, including
17 any extension ordered under Article 46B.080, unless the jail-based
18 competency restoration program is notified that space at a facility
19 or outpatient competency restoration program appropriate for the
20 defendant is available and, as applicable:

21 (1) for a defendant charged with a felony, not less
22 than 45 days are remaining in the initial restoration period; or

23 (2) for a defendant charged with a felony or a
24 misdemeanor, an extension has been ordered under Article 46B.080
25 and not less than 45 days are remaining under the extension order.

26 (j-1) After receipt of a notice under Subsection (j), [~~the~~
27 ~~defendant shall be transferred, without unnecessary delay and for~~

1 ~~the remainder of the period prescribed by Article 46B.073(b), to~~
2 ~~the first available facility that is appropriate for that defendant~~
3 ~~as provided by Article 46B.073(c) or (d); and~~

4 ~~[(2) for a defendant charged with a misdemeanor, the~~
5 ~~court may:~~

6 ~~[(A) order a single extension under Article~~
7 ~~46B.080 and, notwithstanding Articles 46B.073(e) and (f), the~~
8 ~~transfer of] the defendant shall be transferred without unnecessary~~

9 delay to the appropriate mental health facility, ~~[or]~~ residential

10 care facility, or outpatient competency restoration program [as

11 ~~provided by Article 46B.073(d)]~~ for the remainder of the period

12 permitted by this subchapter, including any extension that may be

13 ordered under Article 46B.080 if an extension has not previously

14 been ordered under that article. If the defendant is not

15 transferred, and if the psychiatrist or psychologist for the

16 provider determines that the defendant has not been restored to

17 competency by the end of the period authorized by this subchapter,

18 the defendant shall be returned to the court for further

19 proceedings. For a defendant charged with a misdemeanor, the court

20 may: [under the extension,]

21 (1) [(B)] proceed under Subchapter E or F;

22 (2) [(C)] release the defendant on bail as permitted

23 under Chapter 17; or

24 (3) [(D)] dismiss the charges in accordance with

25 Article 46B.010.

26 (m) The court retains authority to order the transfer of a

27 defendant who is subject to an order for jail-based competency

1 restoration services to an outpatient competency restoration
2 program if:

3 (1) the court determines that the defendant is not a
4 danger to others and may be safely treated on an outpatient basis
5 with the specific objective of attaining competency to stand trial;
6 and

7 (2) the other requirements of this subchapter relating
8 to an order for outpatient competency restoration services are met.

9 SECTION 10. Subchapter E, Chapter 46B, Code of Criminal
10 Procedure, is amended by adding Article 46B.1055 to read as
11 follows:

12 Art. 46B.1055. MODIFICATION OF ORDER FOLLOWING INPATIENT
13 CIVIL COMMITMENT PLACEMENT. (a) This article applies to a
14 defendant who has been transferred under Article 46B.105 from a
15 maximum security unit to any facility other than a maximum security
16 unit.

17 (b) The defendant, the head of the facility to which the
18 defendant is committed, or the attorney representing the state may
19 request that the court modify an order for inpatient treatment or
20 residential care to order the defendant to participate in an
21 outpatient treatment program.

22 (c) If the head of the facility to which the defendant is
23 committed makes a request under Subsection (b), not later than the
24 14th day after the date of the request the court shall hold a
25 hearing to determine whether the court should modify the order for
26 inpatient treatment or residential care in accordance with Subtitle
27 C, Title 7, Health and Safety Code.

1 (d) If the defendant or the attorney representing the state
2 makes a request under Subsection (b), not later than the 14th day
3 after the date of the request the court shall grant the request,
4 deny the request, or hold a hearing on the request to determine
5 whether the court should modify the order for inpatient treatment
6 or residential care. A court is not required to hold a hearing under
7 this subsection unless the request and any supporting materials
8 provided to the court provide a basis for believing modification of
9 the order may be appropriate.

10 (e) On receipt of a request to modify an order under
11 Subsection (b), the court shall require the local mental health
12 authority or local behavioral health authority to submit to the
13 court, before any hearing is held under this article, a statement
14 regarding whether treatment and supervision for the defendant can
15 be safely and effectively provided on an outpatient basis and
16 whether appropriate outpatient mental health services are
17 available to the defendant.

18 (f) If the head of the facility to which the defendant is
19 committed believes that the defendant is a person with mental
20 illness who meets the criteria for court-ordered outpatient mental
21 health services under Subtitle C, Title 7, Health and Safety Code,
22 the head of the facility shall submit to the court before the
23 hearing a certificate of medical examination for mental illness
24 stating that the defendant meets the criteria for court-ordered
25 outpatient mental health services.

26 (g) If a request under Subsection (b) is made by a defendant
27 before the 91st day after the date the court makes a determination

1 on a previous request under that subsection, the court is not
2 required to act on the request until the earlier of:

3 (1) the expiration of the current order for inpatient
4 treatment or residential care; or

5 (2) the 91st day after the date of the court's previous
6 determination.

7 (h) Proceedings for commitment of the defendant to a
8 court-ordered outpatient treatment program are governed by
9 Subtitle C, Title 7, Health and Safety Code, to the extent that
10 Subtitle C applies and does not conflict with this chapter, except
11 that the criminal court shall conduct the proceedings regardless of
12 whether the criminal court is also the county court.

13 (i) The court shall rule on a request made under Subsection
14 (b) as soon as practicable after a hearing on the request, but not
15 later than the 14th day after the date of the request.

16 (j) An outpatient treatment program may not refuse to accept
17 a placement ordered under this article on the grounds that criminal
18 charges against the defendant are pending.

19 SECTION 11. Article 46C.102(a), Code of Criminal Procedure,
20 is amended to read as follows:

21 (a) The court may appoint qualified psychiatrists or
22 psychologists as experts under this chapter. To qualify for
23 appointment under this subchapter as an expert, a psychiatrist or
24 psychologist must:

25 (1) as appropriate, be a physician licensed in this
26 state or be a psychologist licensed in this state who has a doctoral
27 degree in psychology; and

1 (2) have the following certification [~~or experience~~]
2 or training:

3 (A) as appropriate, certification by:

4 (i) the American Board of Psychiatry and
5 Neurology with added or special qualifications in forensic
6 psychiatry; or

7 (ii) the American Board of Professional
8 Psychology in forensic psychology; or

9 (B) [~~experience or~~] training consisting of:

10 (i) at least 24 hours of specialized
11 forensic training relating to incompetency or insanity
12 evaluations; and

13 (ii) at least [~~five years of experience in~~
14 ~~performing criminal forensic evaluations for courts; and~~

15 [~~(iii)~~] eight [~~or more~~] hours of continuing
16 education relating to forensic evaluations, completed in the 12
17 months preceding the appointment [~~and documented with the court~~].

18 SECTION 12. Section 511.009(d), Government Code, is amended
19 to read as follows:

20 (d) The commission shall adopt reasonable rules and
21 procedures establishing minimum standards regarding the continuity
22 of prescription medications for the care and treatment of
23 prisoners. The rules and procedures shall require that:

24 (1) a qualified medical professional shall review as
25 soon as possible any prescription medication a prisoner is taking
26 when the prisoner is taken into custody; and

27 (2) a prisoner with a mental illness be provided with

1 each prescription medication that a qualified medical professional
2 or mental health professional determines is necessary for the care,
3 treatment, or stabilization of the prisoner.

4 SECTION 13. The following provisions of the Code of
5 Criminal Procedure are repealed:

6 (1) Articles 46B.090(a) and (h); and

7 (2) Article 46B.091(a).

8 SECTION 14. The change in law made by this Act to Article
9 17.04, Code of Criminal Procedure, applies only to a personal bond
10 that is executed on or after the effective date of this Act. A
11 personal bond executed before the effective date of this Act is
12 governed by the law in effect on the date the personal bond was
13 executed, and the former law is continued in effect for that
14 purpose.

15 SECTION 15. The change in law made by this Act to Article
16 46C.102(a), Code of Criminal Procedure, applies to a defendant
17 against whom proceedings are initiated under Chapter 46C, Code of
18 Criminal Procedure, before, on, or after the effective date of this
19 Act.

20 SECTION 16. Not later than December 1, 2021, the Commission
21 on Jail Standards shall adopt the rules and procedures required by
22 Section 511.009(d), Government Code, as amended by this Act.

23 SECTION 17. This Act takes effect September 1, 2021.