

By: Moody

H.B. No. 4212

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to procedures regarding defendants who are or may be  
3 persons with a mental illness or intellectual disability.

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

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

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

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

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

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

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

5 (A) date and place of birth;

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

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

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

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

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

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

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

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

26 (3) the defendant is found incompetent to stand trial  
27 in accordance with Chapter 46B.

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

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

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

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

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

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

19 (2) is unfit to proceed.

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

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

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

27 Art. 45.0241. ACCEPTANCE OF PLEA OF GUILTY OR NOLO

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

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

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

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

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

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

24 SECTION 6. Articles 46B.0095(c) and (d), Code of Criminal  
25 Procedure, are amended to read as follows:

26 (c) The cumulative period described by Subsection (a):

27 (1) begins on the later of:

1           (A) the date the initial order of commitment or  
2 initial order for outpatient competency restoration or treatment  
3 program participation is entered under this chapter; or

4           (B) the date competency restoration services  
5 actually begin; and

6           (2) in addition to any inpatient or outpatient  
7 competency restoration periods or program participation periods  
8 described by Subsection (a), includes any time that, following the  
9 entry of an order described by Subdivision (1)(A), the defendant is  
10 confined in a correctional facility, as defined by Section 1.07,  
11 Penal Code, or is otherwise in the custody of the sheriff during or  
12 while awaiting, as applicable:

13           (A) the defendant's transfer to:

14                   (i) a mental hospital or other inpatient or  
15 residential facility; or

16                   (ii) a jail-based competency restoration  
17 program;

18           (B) the defendant's release on bail to  
19 participate in an outpatient competency restoration or treatment  
20 program; or

21           (C) a criminal trial following any temporary  
22 restoration of the defendant's competency to stand trial.

23           (d) The court shall credit to the cumulative period  
24 described by Subsection (a) any time that a defendant, following  
25 arrest for the offense for which the defendant was to be tried, is  
26 confined in a correctional facility, as defined by Section 1.07,  
27 Penal Code, before the date the cumulative period begins as

1 ~~described by Subsection (c) [initial order of commitment or initial~~  
2 ~~order for outpatient competency restoration or treatment program~~  
3 ~~participation is entered under this chapter].~~

4 SECTION 7. Article 46B.090, Code of Criminal Procedure, is  
5 amended by amending Subsections (a-1), (b), (c), (f), (g), (i),  
6 (j), (k), (l), (m), and (n) and adding Subsections (f-1), (l-1),  
7 (l-2), and (o) to read as follows:

8 (a-1) If the legislature appropriates to the commission  
9 ~~[department]~~ the funding necessary for the commission ~~[department]~~  
10 to operate a jail-based restoration of competency pilot program as  
11 described by this article, the commission ~~[department]~~ shall  
12 develop and implement the pilot program in one or two counties in  
13 this state that choose to participate in the pilot program. In  
14 developing the pilot program, the commission ~~[department]~~ shall  
15 coordinate and allow for input from each participating county.

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

20 (c) The executive ~~[Not later than November 1, 2013, the]~~  
21 commissioner ~~[of the department]~~ shall adopt rules as necessary to  
22 implement the pilot program. ~~[In adopting rules under this article,~~  
23 ~~the commissioner shall specify the types of information the~~  
24 ~~department must collect during the operation of the pilot program~~  
25 ~~for use in evaluating the outcome of the pilot program.]~~

26 (f) To contract with the commission ~~[department]~~ under  
27 Subsection (b), a provider of jail-based competency restoration

1 services must ~~[demonstrate to the department that]~~:

2 (1) be ~~[the provider:~~

3 ~~[(A) has previously provided jail-based~~  
4 ~~competency restoration services for one or more years; or~~

5 ~~[(B) is]~~ a local mental health authority or local  
6 behavioral health authority that is in good standing with the  
7 commission, which may include an authority that is in good standing  
8 with the commission and subcontracts with a provider of jail-based  
9 competency restoration services ~~[that has previously provided~~  
10 ~~competency restoration services]~~; and

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

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

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

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

19 ~~[(i)]~~ directed toward the specific  
20 objective of restoring the defendant's competency to stand trial;  
21 and

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

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

27 (3) provide jail-based competency restoration

1 services through licensed or qualified mental health  
2 professionals;

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

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

9 (6) ensure coordination of general health care;

10 (7) provide mental health treatment and substance use  
11 disorder treatment to defendants, as necessary, for competency  
12 restoration; and

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

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

22 ~~[(4) the provider has a demonstrated history of~~  
23 ~~successful jail-based competency restoration outcomes or, if the~~  
24 ~~provider is a local mental health authority, a demonstrated history~~  
25 ~~of successful competency restoration outcomes].~~

26 (g) A contract under Subsection (b) must require the  
27 designated provider to collect and submit to the commission



1 ~~[department]~~ the information specified by rules adopted under  
2 Subsection (c).

3 (i) A ~~[The]~~ psychiatrist or psychologist for the provider  
4 who has the qualifications described by Article 46B.022 shall  
5 evaluate the defendant's competency and report to the court as  
6 required by Article 46B.079 ~~[conduct at least two full psychiatric~~  
7 ~~evaluations of the defendant during the period the defendant~~  
8 ~~receives competency restoration services in the jail. The~~  
9 ~~psychiatrist must conduct one evaluation not later than the 21st~~  
10 ~~day and one evaluation not later than the 55th day after the date~~  
11 ~~the defendant begins to participate in the pilot program. The~~  
12 ~~psychiatrist shall submit to the court a report concerning each~~  
13 ~~evaluation required under this subsection].~~

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

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

21 (2) the court shall consider that report as the report  
22 of an expert stating an opinion that the defendant has been restored  
23 to competency for purposes of Article 46B.0755(a) or (b).

24 (k) If at any time during a defendant's participation in the  
25 jail-based restoration of competency pilot program the  
26 psychiatrist or psychologist for the provider determines that the  
27 defendant's competency to stand trial is unlikely to be restored in

1 the foreseeable future:

2 (1) the psychiatrist or psychologist for the provider  
3 shall promptly issue and send to the court a report demonstrating  
4 that fact; and

5 (2) the court shall:

6 (A) proceed under Subchapter E or F and order the  
7 transfer of the defendant, without unnecessary delay, to the first  
8 available facility that is appropriate for that defendant, as  
9 provided under Subchapter E or F, as applicable; or

10 (B) release the defendant on bail as permitted  
11 under Chapter 17.

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

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

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

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

2 ~~[(1) for a defendant charged with a felony, the~~  
3 ~~defendant shall be transferred, without unnecessary delay and for~~  
4 ~~the remainder of the period prescribed by Article 46B.073(b), to~~  
5 ~~the first available facility that is appropriate for that defendant~~  
6 ~~as provided by Article 46B.073(c) or (d), and~~

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

9 ~~[(A) order a single extension under Article~~  
10 ~~46B.080 and the transfer of] the defendant shall be transferred~~  
11 ~~without unnecessary delay to the appropriate mental health~~  
12 ~~facility, ~~[or]~~ residential care facility, or outpatient competency~~  
13 ~~restoration program [as provided by Article 46B.073(d)] for the~~  
14 ~~remainder of the period permitted by this subchapter, including any~~  
15 ~~extension ordered under Article 46B.080. If the defendant is not~~  
16 ~~transferred, and if the psychiatrist or psychologist for the~~  
17 ~~provider determines that the defendant has not been restored to~~  
18 ~~competency by the end of the period authorized by this subchapter,~~  
19 ~~the defendant shall be returned to the court for further~~  
20 ~~proceedings. For a defendant charged with a misdemeanor, the court~~  
21 ~~may:~~

22 (1) ~~[under the extension,~~

23 ~~[(B)]~~ proceed under Subchapter E or F;

24 (2) ~~[(C)]~~ release the defendant on bail as permitted  
25 under Chapter 17; or

26 (3) ~~[(D)]~~ dismiss the charges in accordance with  
27 Article 46B.010.

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

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

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

11        (m) Unless otherwise provided by this article, the  
12 provisions of this chapter, including the maximum periods  
13 prescribed by Article 46B.0095, apply to a defendant receiving  
14 competency restoration services, including competency restoration  
15 education services, under the pilot program in the same manner as  
16 those provisions apply to any other defendant who is subject to  
17 proceedings under this chapter.

18        (n) If the commission [~~department~~] develops and implements  
19 a jail-based restoration of competency pilot program under this  
20 article, not later than December 1, 2021 [~~2018~~], the executive  
21 commissioner [~~of the department~~] shall submit a report concerning  
22 the pilot program to the presiding officers of the standing  
23 committees of the senate and house of representatives having  
24 primary jurisdiction over health and human services issues and over  
25 criminal justice issues. The report must include the information  
26 collected by the commission [~~department~~] during the pilot program  
27 and the executive commissioner's evaluation of the outcome of the

1 program as of the date the report is submitted.

2 (o) This article expires September 1, 2022. After the  
3 expiration of this article, a pilot program established under this  
4 article may continue to operate subject to the requirements of  
5 Article 46B.091.

6 SECTION 8. Article 46B.091, Code of Criminal Procedure, is  
7 amended by amending Subsections (g) and (j) and adding Subsections  
8 (j-1) and (m) to read as follows:

9 (g) A psychiatrist or psychologist for the provider who has  
10 the qualifications described by Article 46B.022 shall evaluate the  
11 defendant's competency and report to the court as required by  
12 Article 46B.079 [~~conduct at least two full psychiatric or~~  
13 ~~psychological evaluations of the defendant during the period the~~  
14 ~~defendant receives competency restoration services in the jail. The~~  
15 ~~psychiatrist or psychologist must conduct one evaluation not later~~  
16 ~~than the 21st day and one evaluation not later than the 55th day~~  
17 ~~after the date the defendant is committed to the program. The~~  
18 ~~psychiatrist or psychologist shall submit to the court a report~~  
19 ~~concerning each evaluation required under this subsection].~~

20 (j) If the psychiatrist or psychologist for the provider  
21 determines that a defendant committed to a program implemented  
22 under this article has not been restored to competency by the end of  
23 the 60th day after the date the defendant began to receive services  
24 in the program, the jail-based competency restoration program shall  
25 continue to provide competency restoration services to the  
26 defendant for the period authorized by this subchapter, including  
27 any extension ordered under Article 46B.080, unless the jail-based

1 competency restoration program is notified that space at a facility  
2 or outpatient competency restoration program appropriate for the  
3 defendant is available and, as applicable:

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

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

9 (j-1) After receipt of a notice under Subsection (j), [the  
10 defendant shall be transferred, without unnecessary delay and for  
11 the remainder of the period prescribed by Article 46B.073(b), to  
12 the first available facility that is appropriate for that defendant  
13 as provided by Article 46B.073(c) or (d); and

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

16 ~~[(A) order a single extension under Article~~  
17 ~~46B.080 and, notwithstanding Articles 46B.073(e) and (f), the~~  
18 ~~transfer of] the defendant shall be transferred without unnecessary~~  
19 ~~delay to the appropriate mental health facility, [or] residential~~  
20 ~~care facility, or outpatient competency restoration program [as~~  
21 ~~provided by Article 46B.073(d)] for the remainder of the period~~  
22 ~~permitted by this subchapter, including any extension ordered under~~  
23 ~~Article 46B.080. If the defendant is not transferred, and if the~~  
24 ~~psychiatrist or psychologist for the provider determines that the~~  
25 ~~defendant has not been restored to competency by the end of the~~  
26 ~~period authorized by this subchapter, the defendant shall be~~  
27 ~~returned to the court for further proceedings. For a defendant~~

1 charged with a misdemeanor, the court may: [~~under the extension,~~]

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

3           (2) [~~(C)~~] release the defendant on bail as permitted  
4 under Chapter 17; or

5           (3) [~~(D)~~] dismiss the charges in accordance with  
6 Article 46B.010.

7           (m) The court retains authority to order the transfer of a  
8 defendant who is subject to an order for jail-based competency  
9 restoration services to an outpatient competency restoration  
10 program if:

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

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

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

20           Art. 46B.1055. MODIFICATION OF ORDER FOLLOWING INPATIENT  
21 CIVIL COMMITMENT PLACEMENT. (a) This article applies to a  
22 defendant who has been transferred under Article 46B.105 from a  
23 maximum security unit to any facility other than a maximum security  
24 unit.

25           (b) The defendant, the head of the facility to which the  
26 defendant is committed, or the attorney representing the state may  
27 request that the court modify an order for inpatient treatment or

1 residential care to order the defendant to participate in an  
2 outpatient treatment program.

3 (c) If the head of the facility to which the defendant is  
4 committed makes a request under Subsection (b), not later than the  
5 14th day after the date of the request the court shall hold a  
6 hearing to determine whether the court should modify the order for  
7 inpatient treatment or residential care.

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

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

25 (f) If the head of the facility to which the defendant is  
26 committed believes that the defendant is a person with mental  
27 illness who meets the criteria for court-ordered outpatient mental



1 health services under Subtitle C, Title 7, Health and Safety Code,  
2 the head of the facility shall submit to the court before the  
3 hearing a certificate of medical examination for mental illness  
4 stating that the defendant meets the criteria for court-ordered  
5 outpatient mental health services.

6 (g) If a request under Subsection (b) is made by a defendant  
7 before the 91st day after the date the court makes a determination  
8 on a previous request under that subsection, the court is not  
9 required to act on the request until the earlier of:

10 (1) the expiration of the current order for inpatient  
11 treatment or residential care; or

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

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

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

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

26 SECTION 10. Article 46C.102(a), Code of Criminal Procedure,  
27 is amended to read as follows:

1 (a) The court may appoint qualified psychiatrists or  
2 psychologists as experts under this chapter. To qualify for  
3 appointment under this subchapter as an expert, a psychiatrist or  
4 psychologist must:

5 (1) as appropriate, be a physician licensed in this  
6 state or be a psychologist licensed in this state who has a doctoral  
7 degree in psychology; and

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

10 (A) as appropriate, certification by:

11 (i) the American Board of Psychiatry and  
12 Neurology with added or special qualifications in forensic  
13 psychiatry; or

14 (ii) the American Board of Professional  
15 Psychology in forensic psychology; or

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

17 (i) at least 24 hours of specialized  
18 forensic training relating to incompetency or insanity  
19 evaluations; and

20 (ii) at least [~~five years of experience in~~  
21 ~~performing criminal forensic evaluations for courts, and~~

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

25 SECTION 11. Section 511.009(d), Government Code, is amended  
26 to read as follows:

27 (d) The commission shall adopt reasonable rules and

1 procedures establishing minimum standards regarding the continuity  
2 of prescription medications for the care and treatment of  
3 prisoners. The rules and procedures shall require that:

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

7 (2) a prisoner with a mental illness be provided with  
8 each prescription medication that a qualified medical professional  
9 or mental health professional determines is necessary for the care,  
10 treatment, or stabilization of the prisoner.

11 SECTION 12. The following provisions of the Code of  
12 Criminal Procedure are repealed:

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

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

15 SECTION 13. The change in law made by this Act to Article  
16 17.04, Code of Criminal Procedure, applies only to a personal bond  
17 that is executed on or after the effective date of this Act. A  
18 personal bond executed before the effective date of this Act is  
19 governed by the law in effect on the date the personal bond was  
20 executed, and the former law is continued in effect for that  
21 purpose.

22 SECTION 14. The change in law made by this Act to Article  
23 46C.102(a), Code of Criminal Procedure, applies to a defendant  
24 against whom proceedings are initiated under Chapter 46C, Code of  
25 Criminal Procedure, before, on, or after the effective date of this  
26 Act.

27 SECTION 15. Not later than December 1, 2021, the Commission

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1 on Jail Standards shall adopt the rules and procedures required by  
2 Section [511.009\(d\)](#), Government Code, as amended by this Act.

3 SECTION 16. This Act takes effect September 1, 2021.