

By: Jones of Harris

H.B. No. 1455

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the collection and reporting of information regarding
3 mental health jail diversion.

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

5 SECTION 1. Subchapter B, Chapter 2B, Code of Criminal
6 Procedure, is amended by adding Article 2B.00541 to read as
7 follows:

8 Art. 2B.00541. REPORTS REQUIRED FOR INDIVIDUALS WITH
9 SUSPECTED MENTAL ILLNESS OR INTELLECTUAL DISABILITY. (a) A peace
10 officer who arrests an individual who the peace officer has
11 reasonable cause to believe is an individual with mental illness or
12 an intellectual disability or detains the individual in accordance
13 with Subchapter A, Chapter 573, Health and Safety Code, shall
14 report to the officer's law enforcement agency the following
15 information:

16 (1) a description of the individual's behavior that
17 led the peace officer to reasonably believe the individual is an
18 individual with mental illness or an intellectual disability,
19 including:

20 (A) behavioral indications of mental illness or
21 intellectual disability;

22 (B) verbal indications of distress by the
23 individual or a bystander;

24 (C) physical injuries incurred before or during

1 the arrest; and
2 (D) any medical treatment provided during the
3 arrest;
4 (2) the initial reason for the individual's arrest;
5 (3) whether the officer conducted a search and whether
6 the individual consented to the search;
7 (4) any contraband or other evidence discovered in the
8 course of the officer's search and a description of the contraband
9 or evidence;
10 (5) the reason for the officer's search, including
11 whether:
12 (A) any contraband or other evidence was in plain
13 view;
14 (B) any probable cause or reasonable suspicion
15 existed to perform the search; or
16 (C) the search was performed as a result of:
17 (i) the towing of the motor vehicle; or
18 (ii) the arrest of any individual in the
19 motor vehicle;
20 (6) whether the law enforcement agency made a good
21 faith effort to divert an individual suffering a mental health
22 crisis or suffering from the effects of substance abuse to a proper
23 treatment center, as described by Article 16.23;
24 (7) whether the officer used restraint against the
25 individual; and
26 (8) whether the officer used physical force during the
27 stop resulting in bodily injury, as that term is defined by Section

1 1.07, Penal Code.

2 (b) The arresting officer shall provide the report
3 described by Subsection (a) to the sheriff or municipal jailer at
4 the time the defendant is transferred into the custody of the
5 sheriff or jailer.

6 (c) The chief administrator of a law enforcement agency,
7 regardless of whether the administrator is elected, employed, or
8 appointed, is responsible for auditing reports under Subsection (a)
9 to ensure the agency complies with this article by reporting all the
10 required information.

11 SECTION 2. Articles 2B.0055(a) and (c), Code of Criminal
12 Procedure, are amended to read as follows:

13 (a) A law enforcement agency shall compile and analyze the
14 information contained in each report received by the agency under
15 Articles [Article] 2B.0054 and 2B.00541.

16 (c) A report required under Subsection (b) must be submitted
17 by the chief administrator of the law enforcement agency,
18 regardless of whether the administrator is elected, employed, or
19 appointed. The report must include:

20 (1) a comparative analysis of the information compiled
21 under Article 2B.0054 to:

22 (A) evaluate and compare the number of motor
23 vehicle stops, within the applicable jurisdiction, of:

24 (i) individuals recognized as members of
25 racial or ethnic minority groups; and

26 (ii) individuals not recognized as members
27 of racial or ethnic minority groups;

1 (B) examine the disposition of motor vehicle
2 stops made by officers employed by the agency, categorized
3 according to the race or ethnicity of the individuals affected, as
4 appropriate, including any searches resulting from stops within the
5 applicable jurisdiction; and

6 (C) evaluate and compare the number of searches
7 resulting from motor vehicle stops within the applicable
8 jurisdiction and whether contraband or other evidence was
9 discovered during those searches; ~~and~~

10 (2) a comparative analysis of the information compiled
11 under Article 2B.00541 to:

12 (A) examine the initial reason a peace officer
13 arrested an individual who the officer had reasonable cause to
14 believe is an individual with mental illness or an intellectual
15 disability;

16 (B) examine discrepancies between successful and
17 unsuccessful attempted diversions of individuals with mental
18 illness or an intellectual disability from criminal justice
19 involvement; and

20 (C) evaluate the peace officer's use of
21 restraints and force against individuals who the officer has
22 reasonable cause to believe are individuals with mental illness or
23 an intellectual disability; and

24 (3) information relating to each complaint filed with
25 the agency alleging that a peace officer employed by the agency has
26 engaged in racial profiling.

27 SECTION 3. Section 511.0101(a), Government Code, is amended

1 to read as follows:

2 (a) Each county shall submit to the commission on or before
3 the fifth day of each month a report containing the following
4 information:

5 (1) the number of prisoners confined in the county
6 jail on the first day of the month, classified on the basis of the
7 following categories:

- 8 (A) total prisoners;
- 9 (B) pretrial Class C misdemeanor offenders;
- 10 (C) pretrial Class A and B misdemeanor offenders;
- 11 (D) convicted misdemeanor offenders;
- 12 (E) felony offenders whose penalty has been
13 reduced to a misdemeanor;
- 14 (F) pretrial felony offenders;
- 15 (G) convicted felony offenders;
- 16 (H) prisoners detained on bench warrants;
- 17 (I) prisoners detained for parole violations;
- 18 (J) prisoners detained for federal officers;
- 19 (K) prisoners awaiting transfer to the
20 institutional division of the Texas Department of Criminal Justice
21 following conviction of a felony or revocation of probation,
22 parole, or release on mandatory supervision and for whom paperwork
23 and processing required for transfer have been completed;
- 24 (L) prisoners detained after having been
25 transferred from another jail and for whom the commission has made a
26 payment under Subchapter F, Chapter 499, Government Code;
- 27 (M) prisoners for whom an immigration detainer

1 has been issued by United States Immigration and Customs
2 Enforcement;

3 (N) female prisoners; and

4 (O) other prisoners;

5 (2) the total capacity of the county jail on the first
6 day of the month;

7 (3) the total number of prisoners who were confined in
8 the county jail during the preceding month, based on a count
9 conducted on each day of that month, who were known or had been
10 determined to be pregnant;

11 (4) the total cost to the county during the preceding
12 month of housing prisoners described by Subdivision (1)(M),
13 calculated based on the average daily cost of housing a prisoner in
14 the county jail; ~~and~~

15 (5) information on prisoners in the county jail who
16 the sheriff has reasonable cause to believe are individuals with
17 mental illness or an intellectual disability, including:

18 (A) the number of mental health or intellectual
19 and developmental disability screenings completed in the jail;

20 (B) the number of notifications a sheriff or
21 municipal jailer provided to a magistrate, as required by Article
22 16.22(a)(1), Code of Criminal Procedure;

23 (C) the number of mental health or intellectual
24 and developmental disability interviews conducted, as required by
25 Article 16.22(a)(1), Code of Criminal Procedure;

26 (D) the locations of the interviews described by
27 Paragraph (C);

1 (E) whether the interviews described by
2 Paragraph (C) were conducted in person in the jail, by telephone,
3 through a telemedicine medical service or telehealth service, or
4 through any other method; and

5 (F) the outcomes of the interviews described by
6 Paragraph (C); and

7 (6) certification by the reporting official that the
8 information in the report is accurate.

9 SECTION 4. Section 1701.164, Occupations Code, is amended
10 to read as follows:

11 Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA
12 SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall
13 collect and maintain incident-based data submitted to the
14 commission under Article 2B.0055, Code of Criminal Procedure,
15 including incident-based data compiled by a law enforcement agency
16 from reports received by the law enforcement agency under Articles
17 [Article] 2B.0054 and 2B.00541 of that code. The commission in
18 consultation with the Department of Public Safety, the Bill
19 Blackwood Law Enforcement Management Institute of Texas, the W. W.
20 Caruth, Jr., Police Institute at Dallas, and the Texas Police
21 Chiefs Association shall develop guidelines for submitting in a
22 standard format the report containing incident-based data as
23 required by Article 2B.0055, Code of Criminal Procedure.

24 SECTION 5. A county shall submit the first report required
25 by Section 511.0101, Government Code, as amended by this Act, not
26 later than October 5, 2025.

27 SECTION 6. This Act takes effect September 1, 2025.