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H.B. No. 1741

A BILL TO BE ENTITLED

AN ACT

relating to certain proceedings and the provision of treatment and supervision following certain adjudications occurring in a criminal case.

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

SECTION 1. Article 46C.264(a), Code of Criminal Procedure, is amended to read as follows:

(a) Court-ordered ~~[The court may order the]~~ outpatient or community-based treatment and supervision may ~~[to]~~ be provided to the acquitted person in any appropriate county where the necessary resources are available, except that if the court-ordered outpatient or community-based treatment and supervision is to be provided in a county other than the county in which the committing court is located, the jurisdiction over the acquitted person must be transferred in accordance with Article 46C.2645.

SECTION 2. Subchapter F, Chapter 46C, Code of Criminal Procedure, is amended by adding Article 46C.2645 to read as follows:

Art. 46C.2645. TRANSFER OF JURISDICTION OVER ACQUITTED PERSON FOR PURPOSES OF OUTPATIENT OR COMMUNITY-BASED TREATMENT AND SUPERVISION. (a) In this article, "local intellectual and developmental disability authority" and "local mental health authority" have the meanings assigned by Section 531.002, Health and Safety Code.

1 (b) This article applies only with respect to an acquitted
2 person for whom outpatient or community-based treatment and
3 supervision is sought to be provided in a county other than the
4 county in which the committing court is located.

5 (c) Either party may file a motion to transfer, to a county
6 other than the county in which the committing court is located,
7 jurisdiction over an acquitted person who:

8 (1) has been ordered to receive outpatient or
9 community-based treatment and supervision; or

10 (2) has previously been ordered to receive inpatient
11 treatment and is seeking to modify that order for the purpose of
12 receiving outpatient or community-based treatment and supervision.

13 (d) A motion under Subsection (c) must be filed in the
14 county to which the transfer is sought and in a court with
15 jurisdiction over the category of offense of which the person was
16 acquitted and must include:

17 (1) a statement that the local mental health authority
18 or the local intellectual and developmental disability authority in
19 the proposed county has been notified;

20 (2) for an acquitted person described by Subsection
21 (c)(2), a statement that the person's treatment and supervision can
22 be safely and effectively provided as outpatient or community-based
23 treatment and supervision;

24 (3) the factors that create a nexus, as described by
25 Subsection (e)(2), between the acquitted person and the proposed
26 county; and

27 (4) any other factors that support the transfer and

1 any modification to an existing order for inpatient treatment, as
2 applicable.

3 (e) Not later than the 21st day after the date a motion
4 described by Subsection (c) is filed, the court in which the motion
5 is filed shall conduct a hearing on the motion. The court shall
6 accept jurisdiction over the acquitted person if the court, after
7 the hearing, determines that:

8 (1) the acquitted person can be safely and effectively
9 provided treatment and supervision as outpatient or
10 community-based treatment and supervision, for an acquitted person
11 described by Subsection (c)(2); and

12 (2) the acquitted person has a nexus with the proposed
13 county, as demonstrated by:

14 (A) a support network for the acquitted person in
15 that county, including family and friends;

16 (B) the acquitted person having previously
17 received mental health services from the local mental health
18 authority or intellectual and developmental disability services
19 from the local intellectual and developmental disability authority
20 in the proposed county at any time during the five-year period
21 preceding the date of the person's acquittal; or

22 (C) other factors that the court considers
23 relevant.

24 (f) Once a court accepts jurisdiction over the acquitted
25 person as described by Subsection (e), the committing court shall
26 transfer the case to the receiving court.

27 SECTION 3. (a) The changes in law made by this Act in

1 amending Article 46C.264(a), Code of Criminal Procedure, and adding
2 Article 46C.2645, Code of Criminal Procedure, apply to any
3 defendant who is subject to proceedings under Chapter 46C, Code of
4 Criminal Procedure, before, on, or after the effective date of this
5 Act.

6 (b) Notwithstanding Section 5, Chapter 831 (S.B. 837), Acts
7 of the 79th Legislature, Regular Session, 2005, for a person who
8 committed any element of the offense before September 1, 2005,
9 Chapter 46C, Code of Criminal Procedure, as amended by this Act,
10 governs:

11 (1) an initial determination of not guilty by reason
12 of insanity; and

13 (2) any subsequent proceedings that occur in relation
14 to a determination of not guilty by reason of insanity made under
15 Chapter 46C or former Article 46.03, Code of Criminal Procedure, as
16 applicable, including commitment hearings, recommitment hearings,
17 and court orders requiring participation in outpatient or
18 community-based treatment and supervision.

19 SECTION 4. This Act takes effect September 1, 2025.