

By: Moody

H.B. No. 5465

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Article 16.23, Code of Criminal Procedure, is amended to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each local law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a facility or program where the person can receive treatment or services for the person's mental health crisis or substance abuse issue.

(b) Diversion for treatment or services is appropriate under this article ~~[proper treatment center in the agency's jurisdiction]~~ if:

(1) ~~[there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person,~~

~~(2)]~~ it is reasonable under the circumstances to divert the person;

(2) ~~(3)~~ the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

1 (3) [~~(4)~~] the mental health crisis or substance abuse
2 issue is suspected to be the reason the person committed the alleged
3 offense.

4 (c) [~~(b)~~] Subsection (a) does not apply to a person who is
5 accused of an offense under Section 49.04, 49.045, 49.05, 49.06,
6 49.061, 49.065, 49.07, or 49.08, Penal Code.

7 (d) Each local law enforcement agency shall adopt a plan for
8 diverting a person suffering a mental health crisis or suffering
9 from the effects of substance abuse in accordance with this article
10 and shall submit an annual report on the plan, including any changes
11 to the plan, to the:

12 (1) governing body of each county or municipality
13 served by the agency; and

14 (2) Texas Commission on Law Enforcement.

15 SECTION 2. Subchapter C, Chapter 45A, Code of Criminal
16 Procedure, is amended by adding Article 45A.109 to read as follows:

17 Art. 45A.109. DISMISSAL BASED ON DEFENDANT'S LACK OF
18 CAPACITY. (a) On motion by the state, the defendant, or a person
19 standing in parental relation to the defendant, or on the court's
20 own motion, a justice or judge shall determine whether probable
21 cause exists to believe that a defendant, including a defendant who
22 is a child as defined by Article 45A.453(a) or a defendant with a
23 mental illness or intellectual or developmental disability, lacks
24 the capacity to understand the proceedings in criminal court or to
25 assist in the defendant's own defense and is unfit to proceed.

26 (b) If the justice or judge determines that probable cause
27 exists for a finding under Subsection (a), after providing notice

1 to the state, the justice or judge may dismiss the complaint.

2 (c) A dismissal of a complaint under Subsection (b) may be
3 appealed as provided by Article 45A.202.

4 SECTION 3. Article 46B.025(b), Code of Criminal Procedure,
5 is amended to read as follows:

6 (b) If in the opinion of an expert appointed under Article
7 46B.021 the defendant is incompetent to proceed, the expert shall
8 state in the report:

9 (1) the symptoms, exact nature, severity, and expected
10 duration of the deficits resulting from the defendant's mental
11 illness or intellectual disability, if any, and the impact of the
12 identified condition on the factors listed in Article 46B.024;

13 (2) an estimate of the period needed to restore the
14 defendant's competency;

15 (3) [, including] whether the defendant is likely to
16 be restored to competency in the initial restoration period
17 authorized under Subchapter D, including any possible extension
18 under Article 46B.080 [foreseeable future]; and

19 (4) [(-)] prospective treatment options, if any,
20 appropriate for the defendant.

21 SECTION 4. Article 46B.055, Code of Criminal Procedure, is
22 amended to read as follows:

23 Art. 46B.055. PROCEDURE AFTER FINDING OF INCOMPETENCY. If
24 the defendant is found incompetent to stand trial, the court shall:

25 (1) proceed under Subchapter D if the court determines
26 that the defendant is likely to be restored to competency in the
27 restoration period authorized under that subchapter, including any

possible extension under Article 46B.080; or

(2) for a defendant whom the court determines is unlikely to be restored to competency in the period described by Subdivision (1):

(A) proceed under Subchapter E or F; or

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

SECTION 5. Article 46B.071(a), Code of Criminal Procedure, is amended to read as follows:

(a) On ~~[Except as provided by Subsection (b), on]~~ a determination under Article 46B.055(1) that a defendant is incompetent to stand trial and is likely to be restored to competency in the period authorized under this subchapter, including any possible extension under Article 46B.080, the court shall:

(1) if the defendant is charged with an offense punishable as a Class B misdemeanor, or is charged with an offense punishable as a Class A misdemeanor that did not result in bodily injury to another person and the defendant has not been convicted in the preceding two years of an offense that resulted in bodily injury to another person:

(A) release the defendant on bail under Article 46B.0711; or

(B) if an outpatient competency restoration program is unavailable or the defendant cannot be placed in an outpatient competency restoration program before the 14th day after the date of the court's order:

1 (i) on the motion of the attorney
2 representing the state, dismiss the charge and proceed under
3 Subchapter F; or

4 (ii) on the motion of the attorney
5 representing the defendant and notice to the attorney representing
6 the state:

7 (a) set the matter to be heard not
8 later than the 10th day after the date of filing of the motion; and

9 (b) dismiss the charge and proceed
10 under Subchapter F on a finding that an outpatient competency
11 restoration program is unavailable or that the defendant cannot be
12 placed in an outpatient competency restoration program before the
13 14th day after the date of the court's order; or

14 ~~[(B) commit the defendant to:~~

15 ~~[(i) a jail-based competency restoration~~
16 ~~program under Article 46B.073(e); or~~

17 ~~[(ii) a mental health facility or~~
18 ~~residential care facility under Article 46B.073(f); or]~~

19 (2) if the defendant is charged with an offense
20 punishable as a Class A misdemeanor that resulted in bodily injury
21 to another person or any higher category of offense or if the
22 defendant is charged with an offense punishable as a Class A
23 misdemeanor that did not result in bodily injury to another person
24 and the defendant has been convicted in the preceding two years of
25 an offense that resulted in bodily injury to another person:

26 (A) release the defendant on bail under Article
27 46B.072; or

1 (B) commit the defendant to a facility or a
2 jail-based competency restoration program under Article 46B.073(b)
3 [46B.073(c) or (d)].

4 SECTION 6. The heading to Article 46B.0711, Code of
5 Criminal Procedure, is amended to read as follows:

6 Art. 46B.0711. RELEASE ON BAIL: CERTAIN OFFENSES NOT
7 INVOLVING BODILY INJURY [~~FOR CLASS B MISDEMEANOR~~].

8 SECTION 7. Article 46B.0711(b), Code of Criminal Procedure,
9 is amended to read as follows:

10 (b) Subject to conditions reasonably related to ensuring
11 public safety and the effectiveness of the defendant's treatment,
12 if the court determines that a defendant charged with an offense
13 punishable as a Class B misdemeanor, or charged under the
14 circumstances described by Article 46B.071(a)(1) with an offense
15 punishable as a Class A misdemeanor, and found incompetent to stand
16 trial is not a danger to others and may be safely treated on an
17 outpatient basis with the specific objective of attaining
18 competency to stand trial, and an appropriate outpatient competency
19 restoration program is available for the defendant, the court
20 shall:

21 (1) release the defendant on bail or continue the
22 defendant's release on bail; and

23 (2) order the defendant to participate in an
24 outpatient competency restoration program for a period not to
25 exceed 60 days.

26 SECTION 8. The heading to Article 46B.072, Code of Criminal
27 Procedure, is amended to read as follows:

1 Art. 46B.072. RELEASE ON BAIL: FELONIES; CERTAIN OFFENSES
2 INVOLVING BODILY INJURY [~~FOR FELONY OR CLASS A MISDEMEANOR~~].

3 SECTION 9. Article 46B.072(a-1), Code of Criminal
4 Procedure, is amended to read as follows:

5 (a-1) Subject to conditions reasonably related to ensuring
6 public safety and the effectiveness of the defendant's treatment,
7 [~~if~~] the court may release on bail, or continue the release on bail
8 of, [~~determines that~~] a defendant charged with an offense
9 punishable as a felony, or charged under the circumstances
10 described by Article 46B.071(a)(2) with an offense punishable as
11 [~~or~~] a Class A misdemeanor and found incompetent to stand trial if
12 the court determines the defendant is not a danger to others and may
13 be safely treated on an outpatient basis with the specific
14 objective of attaining competency to stand trial, and an
15 appropriate outpatient competency restoration program is available
16 for the defendant [~~, the court:~~

17 ~~[(1) may release on bail a defendant found incompetent~~
18 ~~to stand trial with respect to an offense punishable as a felony or~~
19 ~~may continue the defendant's release on bail, and~~

20 ~~[(2) shall release on bail a defendant found~~
21 ~~incompetent to stand trial with respect to an offense punishable as~~
22 ~~a Class A misdemeanor or shall continue the defendant's release on~~
23 ~~bail].~~

24 SECTION 10. Articles 46B.073(a) and (b), Code of Criminal
25 Procedure, are amended to read as follows:

26 (a) This article applies only to a defendant not released on
27 bail who is subject to an initial restoration period based on

Article 46B.071(a)(2)(B) [~~46B.071~~].

(b) For purposes of further examination and competency restoration services with the specific objective of the defendant attaining competency to stand trial, the court shall commit a defendant described by Subsection (a) to a mental health facility or ~~[7]~~ residential care facility designated by the commission~~[7]~~ or a jail-based competency restoration program for the applicable period as follows:

(1) a period of not more than 60 days, if the defendant is charged with an offense punishable as a Class A misdemeanor; or

(2) a period of not more than 120 days, if the defendant is charged with an offense punishable as a felony.

SECTION 11. Article 46B.077(a), Code of Criminal Procedure, is amended to read as follows:

(a) The facility or jail-based competency restoration program to which the defendant is committed or the outpatient competency restoration program to which the defendant is released on bail shall:

(1) develop an individual program of treatment;

(2) assess and evaluate whether the defendant is likely to be restored to competency in the period authorized under this subchapter, including any possible extension under Article 46B.080 ~~[foreseeable future]~~; and

(3) report to the court and to the local mental health authority or to the local intellectual and developmental disability authority on the defendant's progress toward achieving competency.

SECTION 12. Articles 46B.079(b) and (b-1), Code of Criminal

Procedure, are amended to read as follows:

(b) The head of the facility or jail-based competency restoration program provider shall promptly notify the court when the head of the facility or program provider believes that:

(1) the defendant is clinically ready and can be safely transferred to a competency restoration program for education services but has not yet attained competency to stand trial;

(2) the defendant has attained competency to stand trial; or

(3) the defendant is not likely to attain competency in the period authorized under this subchapter, including any possible extension under Article 46B.080 ~~[foreseeable future]~~.

(b-1) The outpatient competency restoration program provider shall promptly notify the court when the program provider believes that:

(1) the defendant has attained competency to stand trial; or

(2) the defendant is not likely to attain competency in the period authorized under this subchapter, including any possible extension under Article 46B.080 ~~[foreseeable future]~~.

SECTION 13. Articles 46B.084(a-1) and (b), Code of Criminal Procedure, are amended to read as follows:

(a-1)(1) Following the defendant's return to the court, the court shall make a determination with regard to the defendant's competency to stand trial. The court may make the determination based only on the most recent report that is filed under Article

1 46B.079(c) and based on notice under that article, other than
 2 notice under Subsection (b)(1) of that article, and on other
 3 medical information or personal history information relating to the
 4 defendant. A party may object in writing or in open court to the
 5 findings of the most recent report not later than the 15th day after
 6 the date on which the court received the applicable notice under
 7 Article 46B.079. If no party objects to the findings of the most
 8 recent report within that period, the [The] court shall make the
 9 determination not later than the 20th day after the date on which
 10 the court received the applicable notice under Article 46B.079, or
 11 not later than the fifth day after the date of the defendant's
 12 return to court, whichever occurs first [~~regardless of whether a~~
 13 ~~party objects to the report as described by this subsection and the~~
 14 ~~issue is set for hearing under Subsection (b)].~~

15 (2) Notwithstanding Subdivision (1), in a county with
 16 a population of less than 1.2 million or in a county with a
 17 population of four million or more, if no party objects to the
 18 findings of the most recent report within the period specified by
 19 that subdivision, the court shall make the determination described
 20 by that subdivision not later than the 20th day after the date on
 21 which the court received notification under Article 46B.079 [~~regardless of whether a party objects to the report as described by~~
 22 ~~that subdivision and the issue is set for a hearing under Subsection~~
 23 ~~(b)].~~

25 (b) If a party objects as provided by [~~under~~] Subsection
 26 (a-1) and raises a suggestion that the defendant may no longer be
 27 competent to stand trial, the court shall determine, by informal

1 inquiry not later than the fifth day after the date of the
2 objection, whether there exists any evidence from a credible source
3 that the defendant may no longer be competent. If, after an
4 informal inquiry, the court determines that evidence from a
5 credible source exists to support a finding of incompetency, the
6 court shall order a further examination under Subchapter B to
7 determine whether the defendant is incompetent to stand trial.
8 Following receipt of the expert's report under that subchapter, the
9 issue shall be set for a hearing not later than the 10th day after
10 the date the report is received by the court. The hearing is before
11 the court, except that on motion by the defendant, the defense
12 counsel, the prosecuting attorney, or the court, the hearing shall
13 be held before a jury.

14 SECTION 14. Subchapter [D](#), Chapter [46B](#), Code of Criminal
15 Procedure, is amended by adding Article 46B.0855 to read as
16 follows:

17 Art. 46B.0855. RAISING ISSUE OF INCOMPETENCY WHEN CRIMINAL
18 PROCEEDINGS ARE NOT TIMELY RESUMED. If the court has found the
19 defendant competent to stand trial under Article [46B.084](#), but the
20 criminal proceedings against the defendant were not resumed within
21 the period specified by Subsection (d) of that article, the court
22 shall, on motion of either party suggesting that the defendant may
23 no longer be competent to stand trial, follow the procedures
24 provided under Subchapters A and B, except any subsequent court
25 orders for treatment must be issued under Subchapter E or F. If,
26 following the end of the period specified by Article [46B.084](#)(d),
27 the court suspects that the defendant may no longer be competent to

1 stand trial, the court may make that suggestion under this article
2 on its own motion.

3 SECTION 15. Article 46B.086, Code of Criminal Procedure, is
4 amended by amending Subsections (a), (d), and (f) and adding
5 Subsection (h) to read as follows:

6 (a) This article applies only to a defendant:

7 (1) who is determined under this chapter to be
8 incompetent to stand trial;

9 (2) who either:

10 (A) remains confined in a correctional facility,
11 as defined by Section 1.07, Penal Code, for a period exceeding 72
12 hours while awaiting transfer to an inpatient mental health
13 facility, a residential care facility, or an outpatient competency
14 restoration program;

15 (B) is committed to an inpatient mental health
16 facility, a residential care facility, or a jail-based competency
17 restoration program for the purpose of competency restoration;

18 (C) is confined in a correctional facility while
19 awaiting further criminal proceedings following competency
20 restoration; or

21 (D) is subject to Article 46B.072, if the court
22 has made the determinations required by Subsection (a-1) of that
23 article;

24 (3) for whom a correctional facility or jail-based
25 competency restoration program that employs or contracts with a
26 primary care provider to provide mental health services [~~licensed~~
27 ~~psychiatrist~~], an inpatient mental health facility, a residential

1 care facility, or an outpatient competency restoration program
2 provider has prepared a continuity of care plan that requires the
3 defendant to take psychoactive medications; and

4 (4) who, after a hearing held under Section 574.106 or
5 592.156, Health and Safety Code, if applicable, has been found to
6 not meet the criteria prescribed by Sections 574.106(a) and (a-1)
7 or 592.156(a) and (b), Health and Safety Code, for court-ordered
8 administration of psychoactive medications.

9 (d) The court may issue an order under this article only if
10 the order is supported by the testimony of ~~[two physicians, one of~~
11 ~~whom is]~~ the primary care provider ~~[physician]~~ at or with the
12 applicable facility or program who is prescribing the medication as
13 a component of the defendant's continuity of care plan ~~[and another~~
14 ~~who is not otherwise involved in proceedings against the~~
15 ~~defendant]~~. The court may require the primary care provider
16 ~~[either or both physicians]~~ to examine the defendant and report on
17 the examination to the court.

18 (f) A statement made by a defendant to a primary care
19 provider ~~[physician]~~ during an examination under Subsection (d) may
20 not be admitted against the defendant in any criminal proceeding,
21 other than at:

22 (1) a hearing on the defendant's incompetency; or

23 (2) any proceeding at which the defendant first
24 introduces into evidence the contents of the statement.

25 (h) In this article, "primary care provider" has the meaning
26 assigned by Section 574.101, Health and Safety Code.

27 SECTION 16. Articles 46B.091(d), (g), (i), (j), and (j-1),

1 Code of Criminal Procedure, are amended to read as follows:

2 (d) A jail-based competency restoration program provider
3 must:

4 (1) provide jail-based competency restoration
5 services, through the use of a multidisciplinary treatment team,
6 that are [+]

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

9 [~~(B) similar to other competency restoration~~
10 ~~programs,~~]

11 (2) employ or contract for the services of at least one
12 psychiatrist to oversee a defendant's medication management;

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

16 (4) provide weekly competency restoration hours
17 commensurate to the hours provided as part of a competency
18 restoration program at an inpatient mental health facility;

19 (5) operate the program in the jail in a designated
20 space that is separate from the space used for the general
21 population of the jail;

22 (6) ensure coordination with the jail's behavioral
23 health provider regarding a defendant's treatment plan [~~of general~~
24 ~~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) ensure the provision of ~~[supply]~~ clinically
2 appropriate psychoactive medications for purposes of administering
3 court-ordered medication to defendants as applicable and in
4 accordance with Article 46B.086 of this code or Section 574.106,
5 Health and Safety Code.

6 (g) A psychiatrist or psychologist for the provider who has
7 the qualifications described by Article 46B.022 shall evaluate the
8 defendant's competency and report to the court as required by
9 Article 46B.079. The psychiatrist or psychologist performing the
10 evaluation is not required to be appointed by the court as a
11 disinterested expert under Article 46B.021.

12 (i) If at any time during a defendant's commitment to a
13 program implemented under this article the psychiatrist or
14 psychologist for the provider determines that the defendant's
15 competency to stand trial is unlikely to be restored in the period
16 authorized under this subchapter, including any possible extension
17 under Article 46B.080 ~~[foreseeable future]~~:

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:

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

26 (B) release the defendant on bail as permitted
27 under Chapter 17.

(j) Based on a review of the defendant's progress toward achieving competency, if the jail-based competency restoration program provider believes that a defendant ~~[If the psychiatrist or psychologist for the provider determines that a defendant committed to a program implemented under this article]~~ has not been restored to competency by the end of the 60th day after the date the defendant began to receive services in the program, the provider ~~[jail-based competency restoration program]~~ shall continue to provide competency restoration services to the defendant for the period authorized by Article 46B.073(b) ~~[by this subchapter]~~, including any extension ordered under Article 46B.080, unless:

(1) the provider ~~[jail-based competency restoration program]~~ is notified that space at an inpatient mental health facility or residential care facility ~~[a facility or outpatient competency restoration program]~~ appropriate for the defendant is available or the provider believes that the defendant is clinically ready and can be safely transferred to an outpatient competency restoration program; and

(2) ~~[7]~~ as applicable based on the period for which the services are authorized:

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

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

1 (j-1) After receipt of a notice under Subsection (j) that
2 space at an inpatient mental health facility or residential care
3 facility is available, the defendant shall be transferred without
4 unnecessary delay to the appropriate mental health facility or [7]
5 residential care facility [~~, or outpatient competency restoration~~
6 ~~program~~] for the remainder of the period permitted by Article
7 46B.073(b) [~~this subchapter~~], including any extension that may be
8 ordered under Article 46B.080 if an extension has not previously
9 been ordered under that article. If the provider believes that the
10 defendant is clinically ready and can be safely transferred to an
11 outpatient competency restoration program, the provider must
12 promptly notify the court to allow the court to evaluate whether to
13 order the transfer of the defendant to an outpatient competency
14 restoration program in accordance with Subsection (m). If the
15 defendant is not transferred, and if the psychiatrist or
16 psychologist for the provider determines that the defendant has not
17 been restored to competency by the end of the period authorized by
18 this subchapter, the defendant shall be returned to the court for
19 further proceedings. For a defendant charged with a felony or a
20 misdemeanor, the court may:

- 21 (1) proceed under Subchapter E or F;
22 (2) release the defendant on bail as permitted under
23 Chapter 17; or
24 (3) dismiss any misdemeanor charge [~~the charges~~] in
25 accordance with Article 46B.010.

26 SECTION 17. Article 46B.101, Code of Criminal Procedure, is
27 amended to read as follows:

1 Art. 46B.101. APPLICABILITY. This subchapter applies to a
2 defendant against whom a court is required to proceed according to
3 Article [46B.084](#)(e) or [46B.0855](#) or according to the court's
4 appropriate determination under Article [46B.055](#)(2) [~~[46B.071](#)~~].

5 SECTION 18. Article [46B.103](#)(c), Code of Criminal Procedure,
6 is amended to read as follows:

7 (c) If the court enters an order committing the defendant to
8 a residential care facility, the defendant shall be:

9 (1) treated and released in accordance with Subtitle
10 D, Title 7, Health and Safety Code, except as otherwise provided by
11 this chapter; and

12 (2) released in conformity with Article [46B.1075](#)
13 [~~[46B.107](#)~~].

14 SECTION 19. Article [46B.104](#), Code of Criminal Procedure, is
15 amended to read as follows:

16 Art. 46B.104. CIVIL COMMITMENT PLACEMENT: FINDING OF
17 VIOLENCE. (a) This article applies to a [A] defendant committed to
18 a commission-designated facility as a result of proceedings
19 initiated under this chapter [~~shall be committed to the facility~~
20 ~~designated by the commission~~] if:

21 (1) the defendant is charged with an offense listed in
22 Article [17.032](#)(a); or

23 (2) the indictment charging the offense alleges an
24 affirmative finding under Article [42A.054](#)(c) or (d).

25 (b) The court shall send a copy of the order of commitment to
26 the applicable facility.

27 (c) For a defendant whose initial commitment is under this

1 subchapter as provided by Article 46B.055(2), the court shall:

2 (1) provide to the facility copies of the following
3 items made available to the court during the incompetency trial:

4 (A) reports of each expert;

5 (B) psychiatric, psychological, or social work
6 reports that relate to the current mental condition of the
7 defendant;

8 (C) documents provided by the attorney
9 representing the state or the defendant's attorney that relate to
10 the defendant's current or past mental condition;

11 (D) copies of the indictment or information and
12 any supporting documents used to establish probable cause in the
13 case;

14 (E) the defendant's criminal history record
15 information; and

16 (F) the addresses of the attorney representing
17 the state and the defendant's attorney; and

18 (2) direct the court reporter to promptly prepare and
19 provide to the facility transcripts of all medical testimony
20 received by the jury or court.

21 SECTION 20. Article 46B.1055, Code of Criminal Procedure,
22 is amended by amending Subsections (b), (c), (d), (g), and (i) and
23 adding Subsections (b-1) and (c-1) to read as follows:

24 (b) The defendant, the head of the mental health facility to
25 which the defendant is committed, or the attorney representing the
26 state may request that the court modify an order for inpatient
27 mental health treatment [~~or residential care~~] to order the

1 defendant to participate in an outpatient treatment program.

2 (b-1) The defendant, the head of the residential care
3 facility to which the defendant is committed, or the attorney
4 representing the state may request that the court modify an order
5 for commitment to a residential care facility.

6 (c) If the head of the mental health facility to which the
7 defendant is committed makes a request under Subsection (b), not
8 later than the 14th day after the date of the request the court
9 shall hold a hearing to determine whether the court should modify
10 the order for inpatient mental health treatment [~~or residential~~
11 ~~care~~] in accordance with Subtitle C, Title 7, Health and Safety
12 Code.

13 (c-1) If the head of the residential care facility to which
14 the defendant is committed makes a request under Subsection (b-1),
15 not later than the 14th day after the date of the request the court
16 shall hold a hearing to determine whether the court should modify
17 the order for commitment to a residential care facility in
18 accordance with Article 46B.1075.

19 (d) If the defendant or the attorney representing the state
20 makes a request under Subsection (b) or (b-1), not later than the
21 14th day after the date of the request the court shall grant the
22 request, deny the request, or hold a hearing on the request to
23 determine whether the court should modify the order for inpatient
24 mental health treatment or for residential care. A court is not
25 required to hold a hearing under this subsection unless the request
26 and any supporting materials provided to the court provide a basis
27 for believing modification of the order may be appropriate.

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

5 (1) the expiration of the current order for inpatient
6 mental health treatment [~~or residential care~~]; or

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

9 (i) The court shall rule on a request made under Subsection
10 (b) or (b-1) as soon as practicable after a hearing on the request,
11 but not later than the 14th day after the date of the request.

12 SECTION 21. The heading to Article [46B.107](#), Code of
13 Criminal Procedure, is amended to read as follows:

14 Art. 46B.107. RELEASE OF DEFENDANT AFTER CIVIL COMMITMENT:
15 MENTAL ILLNESS.

16 SECTION 22. Article [46B.107](#), Code of Criminal Procedure, is
17 amended by amending Subsections (a) and (d) and adding Subsection
18 (a-1) to read as follows:

19 (a) This article applies only to a defendant who has been
20 committed under Article [46B.102](#).

21 (a-1) The release of a defendant committed under this
22 chapter from the commission, an outpatient treatment program, or
23 another facility is subject to disapproval by the committing court
24 if the court or the attorney representing the state has notified the
25 head of the facility or outpatient treatment provider, as
26 applicable, to which the defendant has been committed that a
27 criminal charge remains pending against the defendant.

(d) The court shall, on receiving notice from the head of a facility or outpatient treatment provider of intent to release the defendant under Subsection (b), hold a hearing to determine whether release is appropriate under the applicable criteria in Subtitle C ~~[or D]~~, Title 7, Health and Safety Code. The court may, on motion of the attorney representing the state or on its own motion, hold a hearing to determine whether release is appropriate under the applicable criteria in Subtitle C ~~[or D]~~, Title 7, Health and Safety Code, regardless of whether the court receives notice that the head of a facility or outpatient treatment provider provides notice of intent to release the defendant under Subsection (b). The court may conduct the hearing:

(1) at the facility; or

(2) by means of an electronic broadcast system as provided by Article 46B.013.

SECTION 23. Subchapter E, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.1075 to read as follows:

Art. 46B.1075. RELEASE OF DEFENDANT AFTER CIVIL COMMITMENT: INTELLECTUAL DISABILITY. (a) This article applies only to a defendant who has been committed under Article 46B.103.

(b) The release of a defendant committed to a residential care facility under this chapter is subject to disapproval by the committing court if the court or the attorney representing the state has notified the head of the residential care facility that a criminal charge remains pending against the defendant.

(c) If the head of the residential care facility determines

1 that the defendant should be released from the facility, the head of
2 the facility shall notify the committing court and the sheriff of
3 the county from which the defendant was committed in writing of the
4 release not later than the 14th day before the date on which the
5 residential care facility intends to release the defendant.

6 (d) The head of the residential care facility shall provide
7 with the notice:

8 (1) a written statement that states an opinion
9 regarding whether the defendant has attained competency to stand
10 trial; and

11 (2) the interdisciplinary team recommendation
12 prepared for the defendant under Section 593.013, Health and Safety
13 Code.

14 (e) The defendant, the head of the residential care
15 facility, or the attorney representing the state may request that
16 the court approve the release of the defendant or approve the
17 release and require the defendant's participation in a
18 community-based living plan.

19 (f) Not later than the 14th day after the date of a request
20 under Subsection (e), the court shall hold a hearing to determine
21 whether the court should deny the request to release the defendant
22 from the residential care facility, grant the request, or grant the
23 request and require the defendant's participation in a
24 community-based living plan. Notice of the hearing must be
25 provided in accordance with Section 593.048, Health and Safety
26 Code.

27 (g) The court may conduct the hearing:

1 (1) at the residential care facility; or
2 (2) by means of an electronic broadcast system as
3 provided by Article 46B.013.

4 (h) On receipt of a request to release the defendant under
5 Subsection (e), the court shall require the residential care
6 facility to submit:

7 (1) a report indicating whether:

8 (A) the defendant's continued placement at the
9 residential care facility is appropriate for the defendant's
10 individual needs;

11 (B) the defendant can adequately and
12 appropriately reside in another setting; and

13 (C) appropriate community-based services are
14 available to the defendant; and

15 (2) a community living discharge plan for the
16 defendant.

17 (i) If, after a hearing, the preponderance of evidence shows
18 that the defendant's continued placement at the facility is no
19 longer appropriate for the defendant's individual needs, the
20 defendant can adequately and appropriately reside in another
21 setting, and appropriate community-based services are available to
22 the defendant, the court shall enter an order that grants the
23 release of the defendant from the facility. The court may also
24 require the defendant to participate in a community-based living
25 plan based on the community living discharge plan submitted under
26 Subsection (h)(2). If the court requires the defendant to
27 participate in a community-based living plan, the court shall

1 designate the local intellectual and developmental disability
2 authority responsible for supervising the community-based living
3 plan.

4 (j) The community-based living plan may be amended, without
5 court approval, by the residential care facility or the local
6 intellectual and developmental disability authority to address the
7 defendant's ongoing needs.

8 (k) The court shall rule on a request made under Subsection
9 (e) as soon as practicable after a hearing on the request but not
10 later than the 14th day after the date of the request. If a hearing
11 is not held during that period, the request to release the defendant
12 is automatically granted.

13 (l) An order authorizing the release of the defendant and
14 requiring the defendant to participate in a community-based living
15 plan must specify a period of participation that may not exceed 12
16 months, and the court may not order the defendant to participate in
17 any subsequent community-based living plan in connection with the
18 same offense.

19 (m) If a request under Subsection (e) is made by a defendant
20 before the 91st day after the date the court makes a determination
21 on a previous request under that subsection, the court is not
22 required to act on the request until the 91st day after the date of
23 the court's previous determination.

24 (n) A proceeding for granting the release of the defendant
25 and requiring the defendant's participation in a community-based
26 living plan is governed by Subtitle D, Title 7, Health and Safety
27 Code, to the extent that subtitle applies and does not conflict with

1 this chapter, except that the criminal court shall conduct the
2 proceeding regardless of whether the criminal court is also the
3 county court.

4 (o) A defendant is entitled to an appeal from an order
5 denying the defendant's release or requiring the defendant's
6 participation in a community-based living plan.

7 (p) The local intellectual and developmental disability
8 authority responsible for supervising a defendant's
9 community-based living plan shall inform the court if the authority
10 determines the defendant's return to the residential care facility
11 is necessary at any time during the period provided by Subsection
12 (1).

13 SECTION 24. Article [46B.109\(b\)](#), Code of Criminal Procedure,
14 is amended to read as follows:

15 (b) The head of the facility or outpatient treatment
16 provider shall provide with the request a written statement that in
17 their opinion the defendant is competent to stand trial and shall
18 file with the court as provided by Article [46B.025](#) a report stating
19 the reason why the facility or provider believes the defendant has
20 been restored to competency. The head of the facility or outpatient
21 treatment provider must include with the report a list of the types
22 and dosages of medications prescribed for the defendant while the
23 defendant was receiving services in the facility or through the
24 outpatient treatment program. The court shall provide copies of
25 the written statement and report to the attorney representing the
26 state and the defendant's attorney. Either party may object to the
27 findings in the written statement or report as provided by Article

1 46B.1115.

2 SECTION 25. Subchapter E, Chapter 46B, Code of Criminal
3 Procedure, is amended by adding Article 46B.1115 to read as
4 follows:

5 Art. 46B.1115. PROCEEDINGS TO DETERMINE RESTORATION OF
6 COMPETENCY. The periods for objecting to the written statement and
7 report filed under Article 46B.109(b) and for conducting a hearing
8 on the defendant's competency under this subchapter are the same as
9 those specified under Article 46B.084.

10 SECTION 26. Article 46B.114, Code of Criminal Procedure, is
11 amended to read as follows:

12 Art. 46B.114. TRANSPORTATION OF DEFENDANT TO COURT. (a) If
13 the hearing is not conducted at the facility to which the defendant
14 has been committed under this chapter or conducted by means of an
15 electronic broadcast system as described by this subchapter, an
16 order setting a hearing to determine whether the defendant has been
17 restored to competency shall direct that [~~as soon as practicable~~
18 ~~but not earlier than 72 hours before the date the hearing is~~
19 ~~scheduled,~~] the defendant be placed in the custody of the sheriff of
20 the county in which the committing court is located or the sheriff's
21 designee for prompt transportation to the court. [~~The sheriff or~~
22 ~~the sheriff's designee may not take custody of the defendant under~~
23 ~~this article until 72 hours before the date the hearing is~~
24 ~~scheduled.~~]

25 (b) If before the 15th day after the date on which the court
26 received notification under Article 46B.109 that a defendant
27 committed to a facility or ordered to participate in an outpatient

1 treatment program has not been transported to the court that issued
2 the order under this subchapter, the head of the facility or
3 outpatient treatment provider shall cause the defendant to be
4 promptly transported to the court and placed in the custody of the
5 sheriff of the county in which the court is located. The county in
6 which the court is located shall reimburse the commission or
7 outpatient treatment provider, as appropriate, for the mileage and
8 per diem expenses of the personnel required to transport the
9 defendant, calculated in accordance with rates provided in the
10 General Appropriations Act for state employees.

11 SECTION 27. Article 46B.151(a), Code of Criminal Procedure,
12 is amended to read as follows:

13 (a) If a court is required by Article 46B.084(f) or 46B.0855
14 or by its appropriate determination under Article 46B.055(2)
15 [~~46B.071~~] to proceed under this subchapter, or if the court is
16 permitted by Article 46B.004(e) to proceed under this subchapter,
17 the court shall determine whether there is evidence to support a
18 finding that the defendant is either a person with mental illness or
19 a person with an intellectual disability.

20 SECTION 28. Chapter 121, Government Code, is amended by
21 adding Section 121.005 to read as follows:

22 Sec. 121.005. JURISDICTION AND AUTHORITY OF JUDGE OR
23 MAGISTRATE IN NON-REGIONAL SPECIALTY COURT PROGRAM. (a) This
24 section applies to a specialty court established under this
25 subtitle by a single county or municipality.

26 (b) For a case properly transferred to the program, the
27 judge or magistrate of a specialty court program to which this

section applies may:

(1) enter orders, judgments, and decrees for the case;

(2) sign orders of detention, order community service,
or impose other reasonable and necessary sanctions;

(3) send recommendations for dismissal and expunction
to the originating trial court for a defendant who successfully
completes the program; and

(4) return the case and documentation required by this
subtitle to the originating trial court for final disposition on a
defendant's successful completion of or removal from the program.

(c) A visiting judge assigned to preside over a specialty
court program to which this section applies has the same authority
as the judge or magistrate appointed to preside over the program.

SECTION 29. Section [125.001](#), Government Code, is amended to
read as follows:

Sec. 125.001. MENTAL HEALTH COURT PROGRAM DEFINED;
PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "mental
health court program" means:

(1) a program under the supervision and direction of a
court with criminal jurisdiction; or

(2) an assisted outpatient treatment court program for
persons subject to court-ordered outpatient mental health services
under Chapter [574](#), Health and Safety Code.

(b) A mental health court program as defined by Subsection
(a) [that] has the following essential characteristics:

(1) the integration of mental illness treatment
services and intellectual disability services in the processing of

1 cases in the judicial system;

2 (2) the use of a nonadversarial approach involving
3 prosecutors and defense attorneys, or involving attorneys
4 representing proposed patients and attorneys requesting
5 court-ordered outpatient mental health services under Chapter 574,
6 Health and Safety Code, to promote public safety and to protect the
7 due process rights of program participants;

8 (3) early identification and prompt placement of
9 eligible participants in a ~~[the]~~ program;

10 (4) access to mental illness treatment services and
11 intellectual disability services;

12 (5) ongoing judicial interaction with program
13 participants;

14 (6) diversion or potential diversion of a defendant in
15 any pending criminal case ~~[defendants]~~ who has ~~[potentially have]~~ a
16 mental illness or an intellectual disability to needed services as
17 an alternative to subjecting the defendant ~~[those defendants]~~ to
18 the criminal justice system;

19 (7) monitoring and evaluation of program goals and
20 effectiveness;

21 (8) continuing interdisciplinary education to promote
22 effective program planning, implementation, and operations; and

23 (9) development of partnerships with public agencies
24 and community organizations, including local intellectual and
25 developmental disability authorities.

26 (c) ~~(b)~~ If a defendant with a pending criminal case
27 successfully completes a mental health court program, after notice

1 to the attorney representing the state and a hearing in the mental
2 health court at which that court determines that a dismissal is in
3 the best interest of justice, the mental health court shall provide
4 to the court in which the criminal case is pending information about
5 the dismissal and shall include all of the information required
6 about the defendant for a petition for expunction under Article
7 55A.253, Code of Criminal Procedure. The court in which the
8 criminal case is pending shall dismiss the case against the
9 defendant and:

10 (1) if that trial court is a district court, the court
11 may, with the consent of the attorney representing the state, enter
12 an order of expunction on behalf of the defendant under Article
13 55A.203(b), Code of Criminal Procedure; or

14 (2) if that trial court is not a district court, the
15 court may, with the consent of the attorney representing the state,
16 forward the appropriate dismissal and expunction information to
17 enable a district court with jurisdiction to enter an order of
18 expunction on behalf of the defendant under Article 55A.203(b),
19 Code of Criminal Procedure.

20 SECTION 30. Section 125.002, Government Code, is amended to
21 read as follows:

22 Sec. 125.002. AUTHORITY TO ESTABLISH PROGRAM. (a) The
23 commissioners court of a county may establish a mental health court
24 program for persons who:

25 (1) have been arrested for or charged with a
26 misdemeanor or felony; and

27 (2) are suspected by a law enforcement agency or a

1 court of having a mental illness or an intellectual disability.

2 (b) The commissioners court of a county may establish a
3 mental health court program for persons who:

4 (1) have a mental illness;

5 (2) have demonstrated an inability to effectively
6 participate in outpatient mental health services voluntarily; and

7 (3) meet the criteria for court-ordered outpatient
8 mental health services under Chapter 574, Health and Safety Code.

9 SECTION 31. Section 125.003(a), Government Code, is amended
10 to read as follows:

11 (a) A mental health court program established under Section
12 125.002:

13 (1) may handle all issues arising under Articles 16.22
14 and 17.032, Code of Criminal Procedure, and Chapter 46B, Code of
15 Criminal Procedure; and

16 (2) must:

17 (A) ensure a person eligible for the program is
18 provided legal counsel before volunteering to proceed through the
19 mental health court program and while participating in the program;

20 (B) allow a defendant in a pending criminal case
21 [person], if eligible for the program, to choose whether to proceed
22 through the mental health court program or proceed through the
23 regular criminal justice system;

24 (C) if applicable, allow a participant to
25 withdraw from the mental health court program at any time before a
26 trial on the merits has been initiated;

27 (D) provide a participant with a court-ordered

1 individualized treatment plan indicating the services that will be
2 provided to the participant; and

3 (E) ensure that the jurisdiction of the mental
4 health court extends at least six months but does not extend beyond
5 the probationary period for the offense charged if the probationary
6 period is longer than six months.

7 SECTION 32. Section 125.005(a), Government Code, is amended
8 to read as follows:

9 (a) The commissioners court of a county with a population of
10 more than 200,000 shall:

11 (1) under the supervision and direction of a court
12 with criminal jurisdiction, establish a mental health court program
13 under Section 125.002; and

14 (2) direct the judge, magistrate, or coordinator to
15 comply with Section 121.002(c)(1).

16 SECTION 33. Section 574.101, Health and Safety Code, is
17 amended by adding Subdivision (2-a) to read as follows:

18 (2-a) "Primary care provider" means a health care
19 professional, including a physician, advanced practice registered
20 nurse, or physician assistant licensed in this state.

21 SECTION 34. The heading to Section 574.104, Health and
22 Safety Code, is amended to read as follows:

23 Sec. 574.104. PRIMARY CARE PROVIDER'S ~~[PHYSICIAN'S]~~
24 APPLICATION FOR ORDER TO AUTHORIZE PSYCHOACTIVE MEDICATION; DATE
25 OF HEARING.

26 SECTION 35. Sections 574.104(a) and (b), Health and Safety
27 Code, are amended to read as follows:

1 (a) A primary care provider [~~physician~~] who is treating a
2 patient may, on behalf of the state, file an application in a
3 probate court or a court with probate jurisdiction for an order to
4 authorize the administration of a psychoactive medication
5 regardless of the patient's refusal if:

6 (1) the primary care provider [~~physician~~] believes
7 that the patient lacks the capacity to make a decision regarding the
8 administration of the psychoactive medication;

9 (2) the primary care provider [~~physician~~] determines
10 that the medication is the proper course of treatment for the
11 patient;

12 (3) the patient is under an order for inpatient mental
13 health services under this chapter or other law or an application
14 for court-ordered mental health services under Section 574.034,
15 574.0345, 574.035, or 574.0355 has been filed for the patient; and

16 (4) the patient, verbally or by other indication,
17 refuses to take the medication voluntarily.

18 (b) An application filed under this section must state:

19 (1) that the primary care provider [~~physician~~]
20 believes that the patient lacks the capacity to make a decision
21 regarding administration of the psychoactive medication and the
22 reasons for that belief;

23 (2) each medication the primary care provider
24 [~~physician~~] wants the court to compel the patient to take;

25 (3) whether an application for court-ordered mental
26 health services under Section 574.034, 574.0345, 574.035, or
27 574.0355 has been filed;

1 (4) whether a court order for inpatient mental health
2 services for the patient has been issued and, if so, under what
3 authority it was issued;

4 (5) the primary care provider's ~~[physician's]~~
5 diagnosis of the patient; and

6 (6) the proposed method for administering the
7 medication and, if the method is not customary, an explanation
8 justifying the departure from the customary methods.

9 SECTION 36. Sections [574.106](#)(a) and (a-1), Health and
10 Safety Code, are amended to read as follows:

11 (a) The court may issue an order authorizing the
12 administration of one or more classes of psychoactive medication to
13 a patient who:

14 (1) is under a court order to receive inpatient mental
15 health services; or

16 (2) is in custody awaiting trial in a criminal
17 proceeding and was ordered to receive inpatient mental health
18 services ~~[in the six months preceding a hearing under this~~
19 ~~section]~~.

20 (a-1) The court may issue an order under this section only
21 if the court finds by clear and convincing evidence after the
22 hearing:

23 (1) that the patient lacks the capacity to make a
24 decision regarding the administration of the proposed medication
25 and treatment with the proposed medication is in the best interest
26 of the patient; or

27 (2) if the patient was ordered to receive inpatient

1 mental health services by a criminal court with jurisdiction over
2 the patient, that treatment with the proposed medication is in the
3 best interest of the patient and either:

4 (A) the patient presents a danger to the patient
5 or others in the inpatient mental health facility in which the
6 patient is being treated as a result of a mental illness [~~disorder~~
7 ~~or mental defect~~] as determined under Section 574.1065; or

8 (B) the patient:

9 (i) has remained confined in a correctional
10 facility, as defined by Section 1.07, Penal Code, for a period
11 exceeding 72 hours while awaiting transfer for competency
12 restoration treatment; and

13 (ii) presents a danger to the patient or
14 others in the correctional facility as a result of a mental illness
15 [~~disorder or mental defect~~] as determined under Section 574.1065.

16 SECTION 37. Section 574.1065, Health and Safety Code, is
17 amended to read as follows:

18 Sec. 574.1065. FINDING THAT PATIENT PRESENTS A DANGER. In
19 making a finding under Section 574.106(a-1)(2) that, as a result of
20 a mental illness [~~disorder or mental defect~~], the patient presents
21 a danger to the patient or others in the inpatient mental health
22 facility in which the patient is being treated or in the
23 correctional facility, as applicable, the court shall consider:

24 (1) an assessment of the patient's present mental
25 condition;

26 (2) whether the patient has inflicted, attempted to
27 inflict, or made a serious threat of inflicting substantial

1 physical harm to the patient's self or to another while in the
2 facility; and

3 (3) whether the patient, in the six months preceding
4 the date the patient was placed in the facility, has inflicted,
5 attempted to inflict, or made a serious threat of inflicting
6 substantial physical harm to another that resulted in the patient
7 being placed in the facility.

8 SECTION 38. Section 574.107, Health and Safety Code, is
9 amended to read as follows:

10 Sec. 574.107. COSTS. (a) The costs for a hearing under
11 this subchapter for a patient committed under this chapter shall be
12 paid in accordance with Sections 571.017 and 571.018.

13 (b) The county in which the applicable criminal charges are
14 pending or were adjudicated shall pay as provided by Subsection (a)
15 the costs of a hearing that is held under Section 574.106 to
16 evaluate the court-ordered administration of psychoactive
17 medication to a person under the jurisdiction of a criminal court [+

18 ~~[(1) a patient ordered to receive mental health~~
19 ~~services as described by Section 574.106(a)(1) after having been~~
20 ~~determined to be incompetent to stand trial or having been~~
21 ~~acquitted of an offense by reason of insanity, or~~

22 ~~[(2) a patient who:~~

23 ~~[(A) is awaiting trial after having been~~
24 ~~determined to be competent to stand trial, and~~

25 ~~[(B) was ordered to receive mental health~~
26 ~~services as described by Section 574.106(a)(2)].~~

27 SECTION 39. Section 574.110, Health and Safety Code, is

1 amended to read as follows:

2 Sec. 574.110. EXPIRATION OF ORDER. (a) An [~~Except as~~
3 ~~provided by Subsection (b), an~~] order issued under Section [574.106](#)
4 for a patient who is committed under this chapter expires on the
5 expiration or termination date of the order for temporary or
6 extended mental health services in effect when the order for
7 psychoactive medication is issued.

8 (b) This subsection applies only to a patient who is subject
9 to court-ordered inpatient mental health services or to a
10 jail-based competency restoration program under Chapter [46B](#), Code
11 of Criminal Procedure. An order issued under Section [574.106](#) for a
12 patient described by this subsection who, following the filing of a
13 report under Article [46B.079](#)(b)(2) or [46B.109](#), Code of Criminal
14 Procedure, indicating the patient has attained competency to stand
15 trial, is returned to court or a correctional facility, as defined
16 by Section [1.07](#), Penal Code, to await trial in a criminal
17 proceeding, continues to be in effect until the earlier of the
18 following dates, as applicable:

19 (1) the 180th day after the date the defendant was
20 returned to the court or correctional facility;

21 (2) the date the defendant is acquitted, is convicted,
22 or enters a plea of guilty; or

23 (3) the date on which charges in the case are
24 dismissed.

25 (c) An order issued under Section [574.106](#) for a patient
26 described by Subsection (b) who is recommitted for competency
27 restoration is extended until the 30th day after the date of the

expiration of the previous order of the criminal court. A subsequently issued order for psychoactive medication for a patient described by Subsection (b) is extended until the 30th day after the date of the expiration of the commitment order by the criminal court, including any extension that may be ordered under Article 46B.080, Code of Criminal Procedure. A new order for psychoactive medication may be sought from a court with probate jurisdiction during any extension under this subsection.

(d) An order issued under Section 574.106 for a patient subject to court-ordered inpatient mental health services under Article 46C.256, Code of Criminal Procedure, is extended until the 30th day after the date of the expiration of the previous order of the criminal court, including any renewal of the order under Article 46C.261, Code of Criminal Procedure. A new order for psychoactive medication may be sought from a court with probate jurisdiction during any extension under this subsection.

SECTION 40. The following provisions are repealed:

- (1) Article 46B.071(b), Code of Criminal Procedure;
- (2) Articles 46B.073(c), (d), (e), and (f), Code of Criminal Procedure; and
- (3) Sections 574.035(d) and 574.0355(b), Health and Safety Code.

SECTION 41. Not later than January 1, 2026, each local law enforcement agency in this state shall submit the initial report required by Article 16.23(d), Code of Criminal Procedure, as added by this Act.

SECTION 42. This Act takes effect September 1, 2025.