

By: Lewis

H.B. No. 2929

A BILL TO BE ENTITLED

AN ACT

relating to the assessment of the mental health of certain newly confined or imprisoned persons.

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

SECTION 1. Subchapter B, Chapter 501, Government Code, is amended by adding Section 501.064 to read as follows:

Sec. 501.064. ASSESSMENT OF INMATE'S MENTAL HEALTH. A social worker licensed under Chapter 505, Occupations Code, or another licensed professional with comparable expertise and training in performing mental health evaluations shall assess the mental health of an inmate as soon as practicable after the inmate's arrival at the institutional division. The person who assesses an inmate's mental health under this section is entitled to access to and shall consider the inmate's presentence or postsentence investigation report and any other information the department possesses indicating the inmate's mental, emotional, family, educational, and community history.

SECTION 2. Subchapter B, Chapter 507, Government Code, is amended by adding Section 507.033 to read as follows:

Sec. 507.033. ASSESSMENT OF DEFENDANT'S MENTAL HEALTH. A social worker licensed under Chapter 505, Occupations Code, or another licensed professional with comparable expertise and training in performing mental health evaluations shall assess the mental health of a defendant as soon as practicable after the

1 defendant's arrival at the state jail felony facility. The person  
2 who assesses a defendant's mental health under this section is  
3 entitled to access to and shall consider the defendant's  
4 presentence or postsentence investigation report and any other  
5 information the department possesses indicating the defendant's  
6 mental, emotional, family, educational, and community history.

7 SECTION 3. Subchapter A, Chapter 351, Local Government  
8 Code, is amended by adding Section 351.0135 to read as follows:

9 Sec. 351.0135. ASSESSMENT OF PRISONER'S MENTAL HEALTH. A  
10 social worker licensed under Chapter 505, Occupations Code, or  
11 another licensed professional with comparable expertise and  
12 training in performing mental health evaluations shall assess the  
13 mental health of a prisoner, as soon as practicable after the  
14 prisoner's arrival at the county jail, to assist the sheriff in  
15 determining whether any action is required under Article 16.22,  
16 Code of Criminal Procedure.

17 SECTION 4. The change in law made by the addition of  
18 Sections 501.064 and 507.033, Government Code, and Section  
19 351.0135, Local Government Code, by this Act applies only to a  
20 person who begins confinement or imprisonment on or after the  
21 effective date of this Act.

22 SECTION 5. This Act takes effect September 1, 2003.