

BILL ANALYSIS

Senate Research Center
79R6162 UM-D

C.S.S.B. 307
By: Duncan
Criminal Justice
3/23/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, mental health court programs are limited to misdemeanor defendants when such a program might be appropriate in many felony cases.

C.S.S.B. 307 expands the ability of a county to set up a mental health court program to include felonies as well as misdemeanors and to handle certain issues.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 616.002, Health and Safety Code, as follows:

Sec. 616.002. **AUTHORITY TO ESTABLISH PROGRAM.** Authorizes the commissioners court of a county to establish a mental health court program to include persons who have been arrested for or charged with a felony.

SECTION 2. Amends Section 616.003, Health and Safety Code, as follows:

Sec. 616.003. **PROGRAM.** (a) Authorizes a mental health court program established under Section 616.002 to handle all issues arising under Articles 16.22 (Examination and Transfer of Defendant Suspected of Having Mental Illness or Mental Retardation) and 17.032 (Release on Personal Bond of Certain Mentally Ill Defendants) and Chapter 46B (Incompetency to Stand Trial), Code of Criminal Procedure, rather than under Article 46.02 (Incompetency to Stand Trial), Code of Criminal Procedure.

(b) Requires the issues to be handled by a magistrate, as designated by Article 2.09 (Who are Magistrates), Code of Criminal Procedure, who is part of a mental health court program established under Section 616.002.

SECTION 3. Effective date: upon passage or September 1, 2005.