

By: Raymond

H.B. No. 2357

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a physical and mental examination of a child subject to
3 the juvenile justice system.

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

5 SECTION 1. Section 51.20, Family Code, is amended to read as
6 follows:

7 Sec. 51.20. PHYSICAL OR MENTAL EXAMINATION. (a) At any
8 stage of the proceedings under this title, including when a child is
9 initially detained in a facility operated by the Texas Youth
10 Commission, a pre-adjudication secure detention facility, or a
11 post-adjudication secure correctional facility, the juvenile court
12 may order a child who is referred to the juvenile court or who is
13 alleged by a petition or found to have engaged in delinquent conduct
14 or conduct indicating a need for supervision to be examined by a
15 disinterested expert, including a physician, psychiatrist, or
16 psychologist, qualified by education and clinical training in
17 mental health or mental retardation and experienced in forensic
18 evaluation, to determine whether the child has a mental illness as
19 defined by Section 571.003, Health and Safety Code, [~~or~~] is a person
20 with mental retardation as defined by Section 591.003, Health and
21 Safety Code, or suffers from chemical dependency. If the
22 examination is to include a determination of the child's fitness to
23 proceed, an expert may be appointed to conduct the examination only
24 if the expert is qualified under Subchapter B, Chapter 46B, Code of

1 Criminal Procedure, to examine a defendant in a criminal case, and
2 the examination and the report resulting from an examination under
3 this subsection must comply with the requirements under Subchapter
4 B, Chapter 46B, Code of Criminal Procedure, for the examination and
5 resulting report of a defendant in a criminal case.

6 (b) If, after conducting an examination of a child ordered
7 under Subsection (a) and reviewing any other relevant information,
8 there is reason to believe that the child has a mental illness or
9 mental retardation or suffers from chemical dependency, the
10 probation department shall refer the child to the local mental
11 health or mental retardation authority for evaluation and services,
12 unless the prosecuting attorney has filed a petition under Section
13 53.04.

14 SECTION 2. This Act takes effect September 1, 2005.