

1-1 By: Coleman, et al. (Senate Sponsor - Duncan) H.B. No. 2518
1-2 (In the Senate - Received from the House May 2, 2005;
1-3 May 3, 2005, read first time and referred to Committee on
1-4 Jurisprudence; May 16, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 16, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2518 By: Hinojosa

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a mental health court program.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 616.002, Health and Safety Code, is
1-13 amended to read as follows:

1-14 Sec. 616.002. AUTHORITY TO ESTABLISH PROGRAM. The
1-15 commissioners court of a county may establish a mental health court
1-16 program for persons who:

1-17 (1) have been arrested for or charged with a
1-18 misdemeanor or felony; and

1-19 (2) are suspected by a law enforcement agency or a
1-20 court of having a mental illness or mental retardation.

1-21 SECTION 2. Section 616.003, Health and Safety Code, is
1-22 amended to read as follows:

1-23 Sec. 616.003. PROGRAM. (a) A mental health court program
1-24 established under Section 616.002:

1-25 (1) may handle all issues arising under Articles 16.22
1-26 and ~~17.032~~, Code of Criminal Procedure, and Chapter 46B ~~[46.02]~~,
1-27 Code of Criminal Procedure; and

1-28 (2) must:

1-29 (A) ensure a person eligible for the program is
1-30 provided legal counsel before volunteering to proceed through the
1-31 mental health court program and while participating in the program;

1-32 (B) allow a person, if eligible for the program,
1-33 to choose whether to proceed through the mental health court
1-34 program or proceed through the regular criminal justice system;

1-35 (C) allow a participant to withdraw from the
1-36 mental health court program at any time before a trial on the merits
1-37 has been initiated;

1-38 (D) provide a participant with a court-ordered
1-39 individualized treatment plan indicating the services that will be
1-40 provided to the participant; and

1-41 (E) ensure that the jurisdiction of the mental
1-42 health court extends at least six months but does not extend beyond
1-43 the probationary period for the offense charged if the probationary
1-44 period is longer than six months.

1-45 (b) The issues shall be handled by a magistrate, as
1-46 designated by Article 2.09, Code of Criminal Procedure, who is part
1-47 of a mental health court program established under Section 616.002.

1-48 SECTION 3. This Act takes effect immediately if it receives
1-49 a vote of two-thirds of all the members elected to each house, as
1-50 provided by Section 39, Article III, Texas Constitution. If this
1-51 Act does not receive the vote necessary for immediate effect, this
1-52 Act takes effect September 1, 2005.

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