

By: Duncan

S.B. No. 307

Substitute the following for S.B. No. 307:

By: Hartnett

C.S.S.B. No. 307

A BILL TO BE ENTITLED

AN ACT

relating to a mental health court program.

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

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

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

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

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

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

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

(1) may handle all issues arising under Articles 16.22 and ~~[7]~~ 17.032, Code of Criminal Procedure, and Chapter 46B [46.02], Code of Criminal Procedure; and

(2) must:

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

(B) allow a person, if eligible for the program,

1 to choose whether to proceed through the mental health court  
2 program or proceed through the regular criminal justice system;

3 (C) allow a participant to withdraw from the  
4 mental health court program at any time before a trial on the merits  
5 has been initiated;

6 (D) provide a participant with a court-ordered  
7 individualized treatment plan indicating the services that will be  
8 provided to the participant; and

9 (E) ensure that the jurisdiction of the mental  
10 health court extends at least six months but does not extend beyond  
11 the probationary period for the offense charged if the probationary  
12 period is longer than six months.

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

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