

By: Wentworth

S.B. No. 838

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the reporting and collection of certain information
3 regarding persons found not guilty of an offense by reason of
4 insanity.

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

6 SECTION 1. Subchapter A, Chapter 533, Health and Safety
7 Code, is amended by adding Section 533.0095 to read as follows:

8 Sec. 533.0095. COLLECTION AND MAINTENANCE OF INFORMATION
9 REGARDING PERSONS FOUND NOT GUILTY BY REASON OF INSANITY. (a) The
10 executive commissioner of the Health and Human Services Commission
11 by rule shall require the department to collect information and
12 maintain current records regarding a person found not guilty of an
13 offense by reason of insanity under Article 46.03, Code of Criminal
14 Procedure, who is:

15 (1) ordered by a court to receive inpatient mental
16 health services under Chapter 574; or

17 (2) committed by a court for long-term placement in a
18 residential care facility under Chapter 593.

19 (b) Information maintained by the department under this
20 section must include the name and address of the facility to which
21 the defendant is committed.

22 SECTION 2. Section 4(c), Article 46.03, Code of Criminal
23 Procedure, is amended to read as follows:

24 (c) Provision of Information to Facility and Department

1 ~~[Transcript of all Medical Testimony]~~. The court shall order that
2 the clerk of the court immediately:

3 (A) prepare a transcript of all medical testimony
4 received in both the criminal proceedings and the commitment
5 proceedings ~~[be prepared forthwith by the court reporters]~~ and
6 forward those ~~[that such]~~ transcripts~~[, together with a statement~~
7 ~~of the facts and circumstances surrounding the alleged offense,~~
8 ~~shall accompany the patient]~~ to the mental health or mental
9 retardation facility; and

10 (B) prepare and forward the following
11 information to the facility and, as applicable, to the Department
12 of State Health Services or the Department of Aging and Disability
13 Services:

14 (i) the complete name, race, and gender of
15 the person;

16 (ii) any known identifying number of the
17 person, including social security number, driver's license number,
18 or state identification number;

19 (iii) the person's date of birth; and

20 (iv) the offense of which the person was
21 found not guilty by reason of insanity and a statement of the facts
22 and circumstances surrounding the alleged offense.

23 SECTION 3. The change in law made by this Act in amending
24 Section 4(c), Article 46.03, Code of Criminal Procedure, applies
25 only to a defendant acquitted of an offense on or after the
26 effective date of this Act, regardless of when the offense for which
27 the defendant was acquitted was committed. A defendant who before

1 the effective date of this Act is acquitted of an offense is covered
2 by the law in effect when the acquittal occurred, and the former law
3 remains in effect for that purpose.

4 SECTION 4. This Act takes effect September 1, 2005.