

By: Gallego

H.B. No. 3692

A BILL TO BE ENTITLED

AN ACT

relating to peace officer interaction with persons with mental illness and to a person's incompetency to stand trial.

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

SECTION 1. Chapter 14, Code of Criminal Procedure, is amended by adding Article 14.07 to read as follows:

Art. 14.07. EMERGENCY CALLS INVOLVING PERSONS WITH MENTAL ILLNESS. (a) In this article, "mental illness" has the meaning assigned by Section 571.003, Health and Safety Code.

(b) A peace officer answering an emergency call shall attempt to determine whether any person involved in the emergency call is a person with a mental illness.

(c) If a peace officer reasonably believes that a person involved in an emergency call is a person with a mental illness and does not have reason to believe that the person has committed an offense, the peace officer:

(1) shall notify the local mental health authorities;

(2) shall provide any appropriate assistance to the person; and

(3) may take the person into custody under Section 573.001, Health and Safety Code.

(d) If a peace officer reasonably believes that a person involved in an emergency call is a person with a mental illness and has probable cause to believe that the person has committed a

1 misdemeanor offense, the peace officer may:

2 (1) issue a citation in lieu of arresting the person if
3 authorized under Article 14.06; or

4 (2) take the person into custody under Section
5 573.001, Health and Safety Code.

6 SECTION 2. Article 46B.004, Code of Criminal Procedure, is
7 amended by adding Section (f) to read as follows:

8 (f) A suggestion of incompetency under this article is the
9 threshold requirement for an informal inquiry. This requirement
10 may be satisfied solely by a representation from any source that the
11 defendant may be incompetent. No further evidentiary showing is
12 required and there is no requirement that the court have a bona fide
13 doubt about the competency of the defendant. Evidence suggesting
14 the need for an informal inquiry would include the factors set out
15 in article 46B.024 or any other evidence that suggests that the
16 defendant is not competent within the meaning of 46B.003.

17 SECTION 3. Section 1701.253(b), Occupations Code, is
18 amended to read as follows:

19 (b) In establishing requirements under this section, the
20 commission shall require courses and programs to provide training
21 in:

22 (1) the investigation and documentation of cases that
23 involve:

24 (A) child abuse or neglect;

25 (B) family violence; ~~and~~

26 (C) sexual assault; and

27 (D) mental illness;

1 (2) issues concerning sex offender characteristics;
2 and

3 (3) crime victims' rights under Chapter 56, Code of
4 Criminal Procedure, and Chapter 57, Family Code, and the duty of law
5 enforcement agencies to ensure that a victim is afforded those
6 rights.

7 SECTION 4. (a) Article 14.07, Code of Criminal Procedure,
8 as added by this Act, applies only to a peace officer response to an
9 emergency call that occurs on or after the effective date of this
10 Act. A peace officer response to an emergency call that occurs
11 before the effective date of this Act is covered by the law in
12 effect when the emergency call was made, and the former law is
13 continued in effect for that purpose.

14 (b) Article 46B.004(b-1), Code of Criminal Procedure, as
15 added by this Act, applies only to a motion suggesting a defendant's
16 incompetency to stand trial made on or after the effective date of
17 this Act. A motion suggesting a defendant's incompetency to stand
18 trial made before the effective date of this Act is covered by the
19 law in effect when the motion was made, and the former law is
20 continued in effect for that purpose.

21 SECTION 5. The Commission on Law Enforcement Officer
22 Standards and Education shall modify the training required by
23 Section 1701.253(b), Occupations Code, as amended by this Act, and
24 ensure that the modified training is available not later than
25 January 1, 2012.

26 SECTION 6. This Act takes effect September 1, 2011