

By: Murr

H.B. No. 3161

A BILL TO BE ENTITLED

AN ACT

relating to a county jail-based restoration of competency program.

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

SECTION 1. Subchapter D, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.091 to read as follows:

Art. 46B.091. COUNTY JAIL-BASED RESTORATION OF COMPETENCY PROGRAM. (a) In this article, "commission" means the Health and Human Services Commission.

(b) A county or counties jointly may develop and implement a jail-based restoration of competency program.

(c) A county that implements a program under this article shall employ or contract with a provider of jail-based competency restoration services that:

(1) is certified by a nationwide nonprofit organization that accredits behavioral health care organizations and programs;

(2) is a local mental health authority in good standing with the commission; or

(3) provides competency restoration services under a contract with a local mental health authority in good standing with the commission.

(d) A jail-based restoration of competency program must:

(1) provide jail-based competency restoration services through trained and experienced staff;

1           (2) provide clinical treatment and competency  
2 restoration through the use of a multidisciplinary treatment team;

3           (3) ensure the safety of participants in the program;

4           (4) operate in the jail in a designated space that is  
5 separate from the general population of the jail;

6           (5) provide general health care, mental health  
7 treatment, and substance use disorder treatment to participants, as  
8 necessary for restoration of competency; and

9           (6) supply clinically appropriate psychoactive  
10 medications for purposes of administering court-ordered medication  
11 to participants as applicable and in accordance with Article  
12 46B.086 of this code and Section 574.106, Health and Safety Code.

13           (e) The commission may inspect on behalf of the state any  
14 aspect of a jail-based restoration of competency program.

15           (f) If at any time during a defendant's participation in the  
16 jail-based restoration of competency program a psychiatrist or  
17 psychologist for the provider determines that the defendant has  
18 attained competency to stand trial:

19           (1) the psychiatrist or psychologist for the provider  
20 shall promptly issue and send to the court a report demonstrating  
21 that fact; and

22           (2) the court shall consider that report as the report  
23 of an expert stating an opinion that the defendant has been restored  
24 to competency for purposes of Article 46B.0755(a) or (b).

25           (g) Unless otherwise provided by this article, the  
26 provisions of this chapter, including the maximum periods  
27 prescribed by Article 46B.0095, apply to a defendant receiving

1 jail-based competency restoration services under the program in the  
2 same manner as those provisions apply to any other defendant who is  
3 subject to proceedings under this chapter.

4         SECTION 2. The change in law made by this Act applies only  
5 to a defendant against whom proceedings have not been initiated  
6 under Chapter 46B, Code of Criminal Procedure, as amended by this  
7 Act, before the effective date of this Act. The determination of  
8 incompetency for a defendant against whom proceedings have been  
9 initiated under Chapter 46B, Code of Criminal Procedure, before the  
10 effective date of this Act is governed by the law in effect on the  
11 date the proceedings were initiated, and the former law is  
12 continued in effect for that purpose.

13         SECTION 3. This Act takes effect September 1, 2017.