

## **BILL ANALYSIS**

H.B. 601  
By: Price  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Recent reports indicate the need to revise early identification procedures for criminal defendants who may have a mental illness or intellectual disability. H.B. 601 seeks to address this need by requiring the applicable mental health or disability authority to interview and collect information regarding such a defendant and submit a report of the interview and information to the applicable magistrate.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Judicial Council in SECTION 2 of this bill.

### **ANALYSIS**

H.B. 601 reenacts and amends Article 16.22(a), Code of Criminal Procedure, as amended by Chapters 748 (S.B. 1326) and 950 (S.B. 1849), Acts of the 85th Legislature, Regular Session, 2017, to conform to changes made by the former act relating to the early identification of a defendant suspected of having mental illness or intellectual disability. The bill, with respect to such a defendant:

- requires the magistrate to order a mental health authority, intellectual and developmental disability authority, or mental health or intellectual disability expert to interview certain criminal defendants with regard to whether the defendant has a mental illness or is a person with an intellectual disability and to collect information regarding any previously recommended service for the defendant, if applicable;
- establishes that the magistrate is not required to order such an interview if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability by such applicable authority or expert; and
- includes a defendant's failure or refusal to submit to an interview as a trigger for the magistrate's authority to submit the defendant to an examination in a jail or another place determined to be appropriate by the applicable authority for a reasonable period not to exceed 72 hours.

H.B. 601 amends the Code of Criminal Procedure to require the Texas Judicial Council (TJC) to adopt rules requiring the reporting of the number of written reports on such interviews and collection of information relating to a criminal defendant who is or may be a person with a

mental illness or an intellectual disability provided to the applicable court. The bill removes the requirement that each magistrate submit to the Office of Court Administration of the Texas Judicial System (OCA) the number of reports provided to the magistrate's court and requires that the rules adopted by the TJC instead require submission of the reports to OCA. The bill establishes that such a report submitted to a magistrate is confidential and not subject to disclosure under state public information law but may be used or disclosed as provided by statutory provisions relating to early identification of a defendant suspected of having mental illness or intellectual disability. The bill requires a county that transfers a defendant to the Texas Department of Criminal Justice for the commencement of the defendant's sentence to deliver any such report to a designated officer.

H.B. 601 amends the Health and Safety Code to require the Texas Correctional Office on Offenders with Medical or Mental Impairments to approve and make generally available in an electronic format a standard form for use by an applicable person providing a written report regarding whether a defendant has a mental illness or is a person with an intellectual disability.

H.B. 601 amends the Government Code to make conforming changes.

H.B. 601 reenacts and amends Articles 17.032(b) and (c), Code of Criminal Procedure, as amended by Chapters 748 (S.B. 1326) and 950 (S.B. 1849), Acts of the 85th Legislature, Regular Session, 2017, to conform to changes made by the former act and changes made by the bill.

**EFFECTIVE DATE**

September 1, 2019.