S.B. No. 562

AN ACT

relating to criminal or juvenile procedures regarding persons who are or may be persons with a mental illness or intellectual disability and the operation and effects of successful completion of a mental health court program.

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

SECTION 1.  Section 8(a), Article 42.09, Code of Criminal Procedure, is amended to read as follows:

(a)  A county that transfers a defendant to the Texas Department of Criminal Justice under this article shall deliver to an officer designated by the department:

(1)  a copy of the judgment entered pursuant to Article 42.01, completed on a standardized felony judgment form described by Section 4 of that article;

(2)  a copy of any order revoking community supervision and imposing sentence pursuant to Article 42A.755, including:

(A)  any amounts owed for restitution, fines, and court costs, completed on a standardized felony judgment form described by Section 4, Article 42.01; and

(B)  a copy of the client supervision plan prepared for the defendant by the community supervision and corrections department supervising the defendant, if such a plan was prepared;

(3)  a written report that states the nature and the seriousness of each offense and that states the citation to the provision or provisions of the Penal Code or other law under which the defendant was convicted;

(4)  a copy of the victim impact statement, if one has been prepared in the case under Article 56.03;

(5)  a statement as to whether there was a change in venue in the case and, if so, the names of the county prosecuting the offense and the county in which the case was tried;

(6)  if requested, information regarding the criminal history of the defendant, including the defendant's state identification number if the number has been issued;

(7)  a copy of the indictment or information for each offense;

(8)  a checklist sent by the department to the county and completed by the county in a manner indicating that the documents required by this subsection and Subsection (c) accompany the defendant;

(9)  if prepared, a copy of a presentence or postsentence report prepared under Subchapter F, Chapter 42A;

(10)  a copy of any detainer, issued by an agency of the federal government, that is in the possession of the county and that has been placed on the defendant;

(11)  if prepared, a copy of the defendant's Texas Uniform Health Status Update Form; [~~and~~]

(12)  a written description of a hold or warrant, issued by any other jurisdiction, that the county is aware of and that has been placed on or issued for the defendant; and

(13)  a copy of any mental health records, mental health screening reports, or similar information regarding the mental health of the defendant.

SECTION 2.  Article 46B.001, Code of Criminal Procedure, is amended to read as follows:

Art. 46B.001.  DEFINITIONS. In this chapter:

(1)  "Adaptive behavior" means the effectiveness with or degree to which a person meets the standards of personal independence and social responsibility expected of the person's age and cultural group.

(2)  "Commission" means the Health and Human Services Commission.

(3)  "Competency restoration" means the treatment or education process for restoring a person's ability to consult with the person's attorney with a reasonable degree of rational understanding, including a rational and factual understanding of the court proceedings and charges against the person.

(4)  "Developmental period" means the period of a person's life from birth through 17 years of age.

(5)  "Electronic broadcast system" means a two-way electronic communication of image and sound between the defendant and the court and includes secure Internet videoconferencing.

(6)  "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(7)  "Inpatient mental health facility" has the meaning assigned by Section 571.003, Health and Safety Code.

(8) [~~(2)~~]  "Intellectual disability" means significantly subaverage general intellectual functioning that is concurrent with deficits in adaptive behavior and originates during the developmental period [~~has the meaning assigned by Section 591.003, Health and Safety Code~~].

(9) [~~(3)~~]  "Local mental health authority" has the meaning assigned by Section 571.003, Health and Safety Code.

(10) [~~(4)~~]  "Local intellectual and developmental disability authority" has the meaning assigned by Section 531.002, Health and Safety Code.

(11) [~~(5)~~]  "Mental health facility" has the meaning assigned by Section 571.003, Health and Safety Code.

(12) [~~(6)~~]  "Mental illness" means an illness, disease, or condition, other than epilepsy, dementia, substance abuse, or intellectual disability, that grossly impairs:

(A)  a person's thought, perception of reality, emotional process, or judgment; or

(B)  behavior as demonstrated by recent disturbed behavior [~~has the meaning assigned by Section 571.003, Health and Safety Code~~].

(13) [~~(7)~~]  "Residential care facility" has the meaning assigned by Section 591.003, Health and Safety Code.

(14)  "Subaverage general intellectual functioning" means a measured intelligence two or more standard deviations below the age-group mean, using a standardized psychometric instrument.

[~~(8)  "Electronic broadcast system" means a two-way electronic communication of image and sound between the defendant and the court and includes secure Internet videoconferencing.~~

[~~(9)  "Competency restoration" means the treatment or education process for restoring a person's ability to consult with the person's attorney with a reasonable degree of rational understanding, including a rational and factual understanding of the court proceedings and charges against the person.~~]

SECTION 3.  Subchapter A, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.0021 to read as follows:

Art. 46B.0021.  FACILITY DESIGNATION. The commission may designate for the commitment of a defendant under this chapter only a facility operated by the commission or under a contract with the commission for that purpose.

SECTION 4.  Article 46B.073(c), Code of Criminal Procedure, is amended to read as follows:

(c)  If the defendant is charged with an offense listed in Article 17.032(a)[~~, other than an offense under Section 22.01(a)(1), Penal Code,~~] or if the indictment alleges an affirmative finding under Article 42A.054(c) or (d), the court shall enter an order committing the defendant for competency restoration services to a [~~the maximum security unit of any~~] facility designated by the commission [~~Department of State Health Services, to an agency of the United States operating a mental hospital, or to a Department of Veterans Affairs hospital~~].

SECTION 5.  Subchapter D, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.0831 to read as follows:

Art. 46B.0831.  DETERMINATION WHETHER DEFENDANT IS MANIFESTLY DANGEROUS. A defendant committed to a maximum security unit by the commission may be assessed, at any time before the defendant is restored to competency, by the review board established under Section 46B.105 to determine whether the defendant is manifestly dangerous. If the review board determines the defendant is not manifestly dangerous, the commission shall transfer the defendant to a non-maximum security facility designated by the commission.

SECTION 6.  Article 46B.104, Code of Criminal Procedure, is amended to read as follows:

Art. 46B.104.  CIVIL COMMITMENT PLACEMENT: FINDING OF VIOLENCE. A defendant committed to a facility as a result of proceedings initiated under this chapter shall be committed to the [~~maximum security unit of any~~] facility designated by the commission [~~Department of State Health Services~~] if:

(1)  the defendant is charged with an offense listed in Article 17.032(a)[~~, other than an offense listed in Article 17.032(a)(6)~~]; or

(2)  the indictment charging the offense alleges an affirmative finding under Article 42A.054(c) or (d).

SECTION 7.  Articles 46B.105(a), (b), and (e), Code of Criminal Procedure, are amended to read as follows:

(a)  Unless a defendant committed to a maximum security unit by the commission is determined to be manifestly dangerous by a review board established under Subsection (b), not later than the 60th day after the date the defendant arrives at the maximum security unit, the defendant shall be transferred to:

(1)  a unit of an inpatient mental health facility other than a maximum security unit;

(2)  a residential care facility; or

(3)  a program designated by a local mental health authority or a local intellectual and developmental disability authority.

(b)  The executive commissioner [~~of state health services~~] shall appoint a review board of five members, including one psychiatrist licensed to practice medicine in this state and two persons who work directly with persons with mental illness or an intellectual disability, to determine whether the defendant is manifestly dangerous and, as a result of the danger the defendant presents, requires continued placement in a maximum security unit.

(e)  If the superintendent of the facility at which the maximum security unit is located disagrees with the determination, the matter shall be referred to the executive commissioner [~~of state health services~~]. The executive commissioner shall decide whether the defendant is manifestly dangerous.

SECTION 8.  Article 46B.106(a), Code of Criminal Procedure, is amended to read as follows:

(a)  A defendant committed to a facility as a result of the proceedings initiated under this chapter, other than a defendant described by Article 46B.104, shall be committed to:

(1)  a facility designated by the commission [~~Department of State Health Services or the Department of Aging and Disability Services, as appropriate~~]; or

(2)  an outpatient treatment program.

SECTION 9.  Articles 46B.107(a) and (d), Code of Criminal Procedure, are amended to read as follows:

(a)  The release of a defendant committed under this chapter from the commission [~~Department of State Health Services, the Department of Aging and Disability Services~~], an outpatient treatment program, or another facility is subject to disapproval by the committing court if the court or the attorney representing the state has notified the head of the facility or outpatient treatment provider, as applicable, to which the defendant has been committed that a criminal charge remains pending against the defendant.

(d)  The court shall, on receiving notice from the head of a facility or outpatient treatment provider of intent to release the defendant under Subsection (b) [~~may, on motion of the attorney representing the state or on its own motion~~], hold a hearing to determine whether release is appropriate under the applicable criteria in Subtitle C or D, Title 7, Health and Safety Code. The court may, on motion of the attorney representing the state or on its own motion, hold a hearing to determine whether release is appropriate under the applicable criteria in Subtitle C or D, Title 7, Health and Safety Code, regardless of whether the court receives notice that the head of a facility or outpatient treatment provider provides notice of intent to release the defendant under Subsection (b). The court may conduct the hearing:

(1)  at the facility; or

(2)  by means of an electronic broadcast system as provided by Article 46B.013.

SECTION 10.  Article 46B.151(c), Code of Criminal Procedure, is amended to read as follows:

(c)  Notwithstanding Subsection (b), a defendant placed in a facility of the commission [~~Department of State Health Services or the Department of Aging and Disability Services~~] pending civil hearing under this article may be detained in that facility only with the consent of the head of the facility and pursuant to an order of protective custody issued under Subtitle C, Title 7, Health and Safety Code.

SECTION 11.  Articles 46C.001(1) and (2), Code of Criminal Procedure, are amended to read as follows:

(1)  "Commission" means the Health and Human Services Commission [~~"Commissioner" means the commissioner of state health services~~].

(2)  "Executive commissioner" means the executive commissioner of the Health and Human Services Commission [~~"Department" means the Department of State Health Services~~].

SECTION 12.  Subchapter A, Chapter 46C, Code of Criminal Procedure, is amended by adding Article 46C.0011 to read as follows:

Art. 46C.0011.  FACILITY DESIGNATION. The commission may designate for the commitment of a defendant under this chapter only a facility operated by the commission or under a contract with the commission for that purpose.

SECTION 13.  Article 46C.104, Code of Criminal Procedure, is amended to read as follows:

Art. 46C.104.  ORDER COMPELLING DEFENDANT TO SUBMIT TO EXAMINATION. (a)  For the purposes described by this chapter, the court may order any defendant to submit to examination, including a defendant who is free on bail. If the defendant fails or refuses to submit to examination, the court may order the defendant to custody for examination for a reasonable period not to exceed 21 days.  Custody ordered by the court under this subsection may include custody at a facility operated by the commission [~~department~~].

(b)  If a defendant who has been ordered to a facility operated by the commission [~~department~~] for examination remains in the facility for a period that exceeds 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located.  That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant, calculated in accordance with the state travel rules in effect at that time.

(c)  The court may not order a defendant to a facility operated by the commission [~~department~~] for examination without the consent of the head of that facility.

SECTION 14.  Article 46C.106(b), Code of Criminal Procedure, is amended to read as follows:

(b)  The county in which the indictment was returned or information was filed shall reimburse a facility operated by the commission [~~department~~] that accepts a defendant for examination under this subchapter for expenses incurred that are determined by the commission [~~department~~] to be reasonably necessary and incidental to the proper examination of the defendant.

SECTION 15.  Article 46C.160(b), Code of Criminal Procedure, is amended to read as follows:

(b)  The court may order a defendant detained in a facility of the commission [~~department or a facility of the Department of Aging and Disability Services~~] under this article only with the consent of the head of the facility.

SECTION 16.  Article 46C.202(a), Code of Criminal Procedure, is amended to read as follows:

(a)  Notwithstanding Article 46C.201(b), a person placed in a commission [~~department~~] facility [~~or a facility of the Department of Aging and Disability Services~~] pending civil hearing as described by that subsection may be detained only with the consent of the head of the facility and under an Order of Protective Custody issued under Subtitle C or D, Title 7, Health and Safety Code.

SECTION 17.  Articles 46C.251(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a)  The court shall order the acquitted person to be committed for evaluation of the person's present mental condition and for treatment to the [~~maximum security unit of any~~] facility designated by the commission [~~department~~]. The period of commitment under this article may not exceed 30 days.

(b)  The court shall order that:

(1)  a transcript of all medical testimony received in the criminal proceeding be prepared as soon as possible by the court reporter and the transcript be forwarded to the facility to which the acquitted person is committed; and

(2)  the following information be forwarded to the facility and[~~, as applicable,~~] to the commission [~~department or the Department of Aging and Disability Services~~]:

(A)  the complete name, race, and gender of the person;

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

(C)  the person's date of birth; and

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

SECTION 18.  Article 46C.260, Code of Criminal Procedure, is amended to read as follows:

Art. 46C.260.  TRANSFER OF COMMITTED PERSON TO NON-MAXIMUM SECURITY [~~NONSECURE~~] FACILITY. (a)  A person committed to a facility under this subchapter shall be committed to a [~~the maximum security unit of any~~] facility designated by the commission [~~department~~].

(b)  A person committed under this subchapter shall be transferred to the designated facility [~~maximum security unit~~] immediately on the entry of the order of commitment.

(c)  Unless a [~~the~~] person committed to a maximum security unit by the commission is determined to be manifestly dangerous by a review board under this article [~~within the department~~], not later than the 60th day following the date of the person's arrival at the maximum security unit the person shall be transferred to a non-maximum security [~~nonsecure~~] unit of a facility designated by the commission [~~department or the Department of Aging and Disability Services, as appropriate~~].

(d)  The executive commissioner shall appoint a review board of five members, including one psychiatrist licensed to practice medicine in this state and two persons who work directly with persons with mental illnesses or with mental retardation, to determine whether the person is manifestly dangerous and, as a result of the danger the person presents, requires continued placement in a maximum security unit.

(e)  If the head of the facility at which the maximum security unit is located disagrees with the determination, then the matter shall be referred to the executive commissioner.  The executive commissioner shall decide whether the person is manifestly dangerous.

SECTION 19.  Article 55.01, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (a-4) to read as follows:

(a)  A person who has been placed under a custodial or noncustodial arrest for commission of either a felony or misdemeanor is entitled to have all records and files relating to the arrest expunged if:

(1)  the person is tried for the offense for which the person was arrested and is:

(A)  acquitted by the trial court, except as provided by Subsection (c); or

(B)  convicted and subsequently:

(i)  pardoned for a reason other than that described by Subparagraph (ii); or

(ii)  pardoned or otherwise granted relief on the basis of actual innocence with respect to that offense, if the applicable pardon or court order clearly indicates on its face that the pardon or order was granted or rendered on the basis of the person's actual innocence; or

(2)  the person has been released and the charge, if any, has not resulted in a final conviction and is no longer pending and there was no court-ordered community supervision under Chapter 42A for the offense, unless the offense is a Class C misdemeanor, provided that:

(A)  regardless of whether any statute of limitations exists for the offense and whether any limitations period for the offense has expired, an indictment or information charging the person with the commission of a misdemeanor offense based on the person's arrest or charging the person with the commission of any felony offense arising out of the same transaction for which the person was arrested:

(i)  has not been presented against the person at any time following the arrest, and:

(a)  at least 180 days have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class C misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(b)  at least one year has elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a Class B or A misdemeanor and if there was no felony charge arising out of the same transaction for which the person was arrested;

(c)  at least three years have elapsed from the date of arrest if the arrest for which the expunction was sought was for an offense punishable as a felony or if there was a felony charge arising out of the same transaction for which the person was arrested; or

(d)  the attorney representing the state certifies that the applicable arrest records and files are not needed for use in any criminal investigation or prosecution, including an investigation or prosecution of another person; or

(ii)  if presented at any time following the arrest, was dismissed or quashed, and the court finds that the indictment or information was dismissed or quashed because:

(a)  the person completed a veterans treatment court program created under Chapter 124, Government Code, or former law, subject to Subsection (a-3);

(b)  the person completed a mental health court program created under Chapter 125, Government Code, or former law, subject to Subsection (a-4);

(c)  the person completed a pretrial intervention program authorized under Section 76.011, Government Code, other than a veterans treatment court program created under Chapter 124, Government Code, or former law, or a mental health court program created under Chapter 125, Government Code, or former law;

(d) [~~(c)~~]  the presentment had been made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense; or

(e) [~~(d)~~]  the indictment or information was void; or

(B)  prosecution of the person for the offense for which the person was arrested is no longer possible because the limitations period has expired.

(a-4)  A person is eligible under Subsection (a)(2)(A)(ii)(b) for an expunction of arrest records and files only if:

(1)  the person has not previously received an expunction of arrest records and files under that sub-subparagraph; and

(2)  the person submits to the court an affidavit attesting to that fact.

SECTION 20.  Section 1a, Article 55.02, Code of Criminal Procedure, is amended by adding Subsection (a-2) to read as follows:

(a-2)  A trial court dismissing a case following a person's successful completion of a mental health court program created under Chapter 125, Government Code, or former law, if the trial court is a district court, or a district court in the county in which the trial court is located may, with the consent of the attorney representing the state, enter an order of expunction for a person entitled to expunction under Article 55.01(a)(2)(A)(ii)(b) not later than the 30th day after the date the court dismisses the case or receives the information regarding that dismissal, as applicable. Notwithstanding any other law, a court that enters an order for expunction under this subsection may not charge any fee or assess any cost for the expunction.

SECTION 21.  Article 102.006(a), Code of Criminal Procedure, is amended to read as follows:

(a)  In addition to any other fees required by other law and except as provided by Subsections [~~Subsection~~] (b) and (b-1), a petitioner seeking expunction of a criminal record in a district court shall pay the following fees:

(1)  the fee charged for filing an ex parte petition in a civil action in district court;

(2)  $1 plus postage for each certified mailing of notice of the hearing date; and

(3)  $2 plus postage for each certified mailing of certified copies of an order of expunction.

SECTION 22.  Article 102.006(b), Code of Criminal Procedure, as amended by Chapters 693 (H.B. 322) and 1149 (H.B. 557), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(b)  The fees under Subsection (a) or the fee under Subsection (a-1), as applicable, shall be waived if the petitioner[~~:~~

[~~(1)~~]  seeks expunction of a criminal record that relates to an arrest for an offense of which the person was acquitted, other than an acquittal for an offense described by Article 55.01(c), and the petition for expunction is filed not later than the 30th day after the date of the acquittal[~~; or~~

[~~(2)  is entitled to expunction under Article 55.01(a)(2)(A)(ii)(a) after successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law~~].

SECTION 23.  Article 102.006, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1)  The fees under Subsection (a) shall be waived if the petitioner is entitled to expunction:

(1)  under Article 55.01(a)(2)(A)(ii)(a) after successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law; or

(2)  under Article 55.01(a)(2)(A)(ii)(b) after successful completion of a mental health court program created under Chapter 125, Government Code, or former law.

SECTION 24.  Section 125.001, Government Code, is amended to read as follows:

Sec. 125.001.  MENTAL HEALTH COURT PROGRAM DEFINED; PROCEDURES FOR CERTAIN DEFENDANTS. (a)  In this chapter, "mental health court program" means a program that has the following essential characteristics:

(1)  the integration of mental illness treatment services and mental retardation services in the processing of cases in the judicial system;

(2)  the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;

(3)  early identification and prompt placement of eligible participants in the program;

(4)  access to mental illness treatment services and mental retardation services;

(5)  ongoing judicial interaction with program participants;

(6)  diversion of potentially mentally ill or mentally retarded defendants to needed services as an alternative to subjecting those defendants to the criminal justice system;

(7)  monitoring and evaluation of program goals and effectiveness;

(8)  continuing interdisciplinary education to promote effective program planning, implementation, and operations; and

(9)  development of partnerships with public agencies and community organizations, including local mental retardation authorities.

(b)  If a defendant successfully completes a mental health court program, after notice to the attorney representing the state and a hearing in the mental health court at which that court determines that a dismissal is in the best interest of justice, the mental health court shall provide to the court in which the criminal case is pending information about the dismissal and shall include all of the information required about the defendant for a petition for expunction under Section 2(b), Article 55.02, Code of Criminal Procedure. The court in which the criminal case is pending shall dismiss the case against the defendant and:

(1)  if that trial court is a district court, the court may, with the consent of the attorney representing the state, enter an order of expunction on behalf of the defendant under Section 1a(a-2), Article 55.02, Code of Criminal Procedure; or

(2)  if that trial court is not a district court, the court may, with the consent of the attorney representing the state, forward the appropriate dismissal and expunction information to enable a district court with jurisdiction to enter an order of expunction on behalf of the defendant under Section 1a(a-2), Article 55.02, Code of Criminal Procedure.

SECTION 25.  Chapter 125, Government Code, is amended by adding Sections 125.0025 and 125.005 to read as follows:

Sec. 125.0025.  ESTABLISHMENT OF REGIONAL PROGRAM. The commissioners courts of two or more counties may elect to establish a regional mental health court program under this chapter for the participating counties.

Sec. 125.005.  PROGRAM IN CERTAIN COUNTIES MANDATORY. (a)  The commissioners court of a county with a population of more than 200,000 shall:

(1)  establish a mental health court program under Section 125.002; and

(2)  direct the judge, magistrate, or coordinator to comply with Section 121.002(c)(1).

(b)  A county required under this section to establish a mental health court program shall apply for federal and state funds available to pay the costs of the program. The criminal justice division of the governor's office may assist a county in applying for federal funds as required by this subsection.

(c)  Notwithstanding Subsection (a), a county is required to establish a mental health court program under this section only if:

(1)  the county receives federal or state funding specifically for that purpose in an amount sufficient to pay the fund costs of the mental health court program; and

(2)  the judge, magistrate, or coordinator receives the verification described by Section 121.002(c)(2).

(d)  A county that is required under this section to establish a mental health court program and fails to establish or to maintain that program is ineligible to receive grant funding from this state or any state agency.

SECTION 26.  Section 532.013(a), Health and Safety Code, is amended to read as follows:

(a)  In this section:

(1)  "Forensic patient" means a person with mental illness or a person with an intellectual disability who is:

(A)  examined on the issue of competency to stand trial by an expert appointed under Subchapter B, Chapter 46B, Code of Criminal Procedure;

(B)  found incompetent to stand trial under Subchapter C, Chapter 46B, Code of Criminal Procedure;

(C)  committed to court-ordered mental health services under Subchapter E, Chapter 46B, Code of Criminal Procedure; [~~or~~]

(D)  found not guilty by reason of insanity under Chapter 46C, Code of Criminal Procedure;

(E)  examined on the issue of fitness to proceed with juvenile court proceedings by an expert appointed under Chapter 51, Family Code; or

(F)  found unfit to proceed under Subchapter C, Chapter 55, Family Code.

(2)  "Forensic services" means a competency examination, competency restoration services, or mental health or intellectual disability services provided to a current or former forensic patient in the community or at a department facility.

SECTION 27.  (a)  This Act applies only to a proceeding under Chapter 46B or 46C, Code of Criminal Procedure, that begins on or after the effective date of this Act, regardless of when the defendant committed the underlying offense for which the defendant became subject to the proceeding. A proceeding that begins before the effective date of this Act is governed by the law in effect on the date the proceeding began, and the former law is continued in effect for that purpose.

(b)  Except as provided by Subsection (c) of this section, the changes in law made to Articles 55.01 and 55.02, Code of Criminal Procedure, apply to the expunction of arrest records and files for a person who successfully completes a mental health court program under Chapter 125, Government Code, or former law before, on, or after the effective date of this Act, regardless of when the underlying arrest occurred.

(c)  The change in law made by this Act to Article 102.006, Code of Criminal Procedure, applies to the fees charged or costs assessed for an expunction order entered on or after the effective date of this Act, regardless of whether the underlying arrest occurred before, on, or after the effective date of this Act.

(d)  For a person who is entitled to expunction under Article 55.01(a)(2)(A)(ii)(b), Code of Criminal Procedure, as amended by this Act, based on a successful completion of a mental health court program under Chapter 125, Government Code, or former law before the effective date of this Act, notwithstanding the 30-day time limit provided for the court to enter an automatic order of expunction under Section 1a(a-2), Article 55.02, Code of Criminal Procedure, as added by this Act, the court may, with the consent of the attorney representing the state, enter an order of expunction for the person as soon as practicable after the court receives written notice from any party to the case about the person's entitlement to the expunction.

SECTION 28.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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I hereby certify that S.B. No. 562 passed the Senate on April 29, 2019, by the following vote:  Yeas 31, Nays 0; May 23, 2019, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 23, 2019, House granted request of the Senate; May 25, 2019, Senate adopted Conference Committee Report by the following vote:  Yeas 30, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 562 passed the House, with amendments, on May 22, 2019, by the following vote:  Yeas 134, Nays 7, two present not voting; May 23, 2019, House granted request of the Senate for appointment of Conference Committee; May 26, 2019, House adopted Conference Committee Report by the following vote:  Yeas 145, Nays 0, one present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_            Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor