

By: Ortega

H.B. No. 1701

A BILL TO BE ENTITLED

AN ACT

relating to a written assessment regarding a defendant suspected of having a mental illness or an intellectual disability.

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

SECTION 1. Article 16.22, Code of Criminal Procedure, is amended by amending Subsection (b-1) and adding Subsection (b-2) to read as follows:

(b-1) The magistrate shall provide copies of the written assessment to:

(1) the defense counsel;

(2) [r] the attorney representing the state;

(3) [~~r~~ and] the trial court;

(4) the sheriff or other person responsible for the defendant's medical records while the defendant is confined in county jail; and

(5) as applicable:

(A) any personal bond office established under Article 17.42 for the county in which the defendant is being confined; or

(B) the director of the office or department that is responsible for supervising the defendant while the defendant is released on bail and receiving mental health or intellectual disability services as a condition of bail.

(b-2) The written assessment must include a description of

1 the procedures used in the collection of information under  
2 Subsection (a)(1)(A) and the applicable expert's observations and  
3 findings pertaining to:

4 (1) whether the defendant is a person who has a mental  
5 illness or is a person with an intellectual disability;

6 (2) whether there is clinical evidence to support a  
7 belief that the defendant may be incompetent to stand trial and  
8 should undergo a complete competency examination under Subchapter  
9 B, Chapter 46B; and

10 (3) any appropriate or recommended treatment or  
11 service.

12 SECTION 2. The change in law made by this Act applies only  
13 to a person who is arrested on or after the effective date of this  
14 Act. A person arrested before the effective date of this Act is  
15 governed by the law in effect on the date the person was arrested,  
16 and the former law is continued in effect for that purpose.

17 SECTION 3. This Act takes effect September 1, 2019.