

## **BILL ANALYSIS**

C.S.H.B. 4354  
By: Coleman  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised that defendants who are being treated at state hospitals with a psychotropic medication to help them return to competency are not always continuing to receive the medication when transferred to a sheriff's custody to stand trial. This discontinuity in medication can lead the defendants to be readmitted to state hospitals, creating a cycle where they are not able to receive a speedy trial. C.S.H.B. 4354 seeks to address these concerns by requiring a sheriff or sheriff's deputy who has certain custody of certain defendants to ensure that administration of applicable medication continues unless directed otherwise by the jail physician.

### **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 Commission on Jail Standards in SECTION 2 of this bill.

### **ANALYSIS**

C.S.H.B. 4354 amends the Code of Criminal Procedure to require a sheriff or sheriff's deputy who has certain custody of a defendant who is determined to be incompetent to stand trial and is being treated with a psychotropic medication at the time the defendant is discharged from an applicable facility and transferred into that custody to ensure that administration of the medication continues unless directed otherwise by the physician for the jail. The bill requires the jail physician to appropriately document the need for any discontinuation or other change in the use or amount of medication after consulting with the physician who treated the defendant at the facility to ensure that the change does not adversely affect the defendant's mental health or ability to continue with court proceedings. The bill extends the entitlement of a sheriff to reimbursement from the state for providing medication to a defendant in such custody to the extent funds are appropriated for that purpose to apply also to the provision of medication to a defendant under these provisions of the bill. The bill repeals a related provision that establishes that a sheriff is not required to comply with a requirement to ensure that a defendant in such custody is provided with medication if the sheriff determines that funds are not available from the state to reimburse the sheriff.

C.S.H.B. 4354 amends the Government Code to require Commission on Jail Standards (TCJS) rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners to require that a prisoner with a mental illness be provided with each prescription medication that a qualified medical professional or mental health professional determines is necessary for the prisoner's care, treatment, or stabilization.

The bill requires TCJS to adopt these applicable rules and procedures not later than December 1, 2021.

C.S.H.B. 4354 repeals Article 46B.0825(c), Code of Criminal Procedure.

**EFFECTIVE DATE**

September 1, 2021.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 4354 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions included in the original that provide for procedures regarding the discontinuation or changing of a psychotropic medication prescription by a jail physician and the limitation of the physician's authority to discontinue or change the prescription if the defendant is subsequently found incompetent to stand trial and recommitted.