

By: Zaffirini
(Murr)

S.B. No. 49

Substitute the following for S.B. No. 49:

By: Murr

C.S.S.B. No. 49

A BILL TO BE ENTITLED

AN ACT

1
2 relating to procedures regarding defendants who are or may be
3 persons with a mental illness or intellectual disability.

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

5 SECTION 1. Article 16.22(a)(2), Code of Criminal Procedure,
6 is amended to read as follows:

7 (2) The magistrate is not required to order the
8 interview and collection of other information under Subdivision (1)
9 if the defendant is no longer in custody or if the defendant in the
10 year preceding the defendant's applicable date of arrest has been
11 determined to have a mental illness or to be a person with an
12 intellectual disability by the service provider that contracts with
13 the jail to provide mental health or intellectual and developmental
14 disability services, the local mental health authority, the local
15 intellectual and developmental disability authority, or another
16 mental health or intellectual and developmental disability expert
17 described by Subdivision (1). A court that elects to use the
18 results of that previous determination may proceed under Subsection
19 (c).

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

23 (b-1) The magistrate shall provide copies of the written
24 report to:

- 1 (1) the defense counsel;
- 2 (2) [7] the attorney representing the state;
- 3 (3) [~~7~~and] the trial court;
- 4 (4) the sheriff or other person responsible for the
5 defendant's medical records while the defendant is confined in
6 county jail; and

7 (5) as applicable:

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

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

15 (b-2) The written report must include a description of the
16 procedures used in the interview and collection of other
17 information under Subsection (a)(1)(A) and the applicable expert's
18 observations and findings pertaining to:

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

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

25 (3) any appropriate or recommended treatment or
26 service.

27 SECTION 3. Article 17.04, Code of Criminal Procedure, is

1 amended to read as follows:

2 Art. 17.04. REQUISITES OF A PERSONAL BOND. (a) A personal
3 bond is sufficient if it includes the requisites of a bail bond as
4 set out in Article 17.08, except that no sureties are required. In
5 addition, a personal bond shall contain:

6 (1) the defendant's name, address, and place of
7 employment;

8 (2) identification information, including the
9 defendant's:

- 10 (A) date and place of birth;
- 11 (B) height, weight, and color of hair and eyes;
- 12 (C) driver's license number and state of
13 issuance, if any; and
- 14 (D) nearest relative's name and address, if any;

15 and

16 (3) except as provided by Subsection (b), the
17 following oath sworn and signed by the defendant:

18 "I swear that I will appear before (the court or magistrate)
19 at (address, city, county) Texas, on the (date), at the hour of
20 (time, a.m. or p.m.) or upon notice by the court, or pay to the court
21 the principal sum of (amount) plus all necessary and reasonable
22 expenses incurred in any arrest for failure to appear."

23 (b) A personal bond is not required to contain the oath
24 described by Subsection (a)(3) if:

25 (1) the magistrate makes a determination under Article
26 16.22 that the defendant has a mental illness or is a person with an
27 intellectual disability, including by using the results of a

1 previous determination under that article;

2 (2) the defendant is released on personal bond under
3 Article 17.032; or

4 (3) the defendant is found incompetent to stand trial
5 in accordance with Chapter 46B.

6 SECTION 4. Subchapter B, Chapter 45, Code of Criminal
7 Procedure, is amended by adding Article 45.0214 to read as follows:

8 Art. 45.0214. DEFENDANT WITH MENTAL ILLNESS, INTELLECTUAL
9 OR DEVELOPMENTAL DISABILITY, OR LACK OF CAPACITY. (a) In this
10 article:

11 (1) "Caregiver" means a person, including a guardian,
12 who is authorized by law, contract, or familial relationship to
13 provide care to another person.

14 (2) "Defendant" includes a child as defined by Article
15 45.058(h).

16 (b) On motion by the state, the defendant, or a person who
17 stands in a parental relation to the defendant or who acts as the
18 defendant's caregiver or, on the court's own motion, a justice or
19 judge shall determine whether probable cause exists to believe that
20 a defendant, including a defendant with a mental illness or an
21 intellectual or developmental disability:

22 (1) lacks the capacity to understand the proceedings
23 in criminal court or to assist in the defendant's own defense; or

24 (2) is unfit to proceed.

25 (c) If the court determines that probable cause exists for a
26 finding under Subsection (b), after providing notice to the state,
27 the court may dismiss the complaint.

1 (d) A dismissal of a complaint under Subsection (c) may be
2 appealed as provided by Article 44.01.

3 SECTION 5. Subchapter B, Chapter 45, Code of Criminal
4 Procedure, is amended by adding Article 45.0241 to read as follows:

5 Art. 45.0241. ACCEPTANCE OF PLEA OF GUILTY OR NOLO
6 CONTENDERE. Notwithstanding any other law, a justice or judge may
7 not accept a plea of guilty or plea of nolo contendere under Article
8 45.022 or 45.023(a) unless it appears that the defendant is
9 mentally competent and the plea is free and voluntary.

10 SECTION 6. Article 46B.009, Code of Criminal Procedure, is
11 amended to read as follows:

12 Art. 46B.009. TIME CREDITS. (a) A court sentencing a
13 person convicted of a criminal offense shall credit to the term of
14 the person's sentence each of the following periods for which the
15 person may be confined in a mental health facility, residential
16 care facility, or jail:

17 (1) any period of confinement that occurs pending a
18 determination under Subchapter C as to the defendant's competency
19 to stand trial; and

20 (2) any period of confinement that occurs between the
21 date of any initial determination of the defendant's incompetency
22 under that subchapter and the date the person is transported to jail
23 following a final judicial determination that the person has been
24 restored to competency.

25 (b) A court sentencing a person convicted of a criminal
26 offense shall credit to the term of the person's sentence any period
27 during which the person participated in an outpatient competency

1 restoration program.

2 SECTION 7. Subchapter D, Chapter 46B, Code of Criminal
3 Procedure, is amended by adding Article 46B.0735 to read as
4 follows:

5 Art. 46B.0735. DATE COMPETENCY RESTORATION PERIOD BEGINS.
6 The initial restoration period for a defendant under Article
7 46B.0711, 46B.072, or 46B.073 begins on the later of:

8 (1) the date the defendant is:

9 (A) ordered to participate in an outpatient
10 competency restoration program; or

11 (B) committed to a mental health facility,
12 residential care facility, or jail-based competency restoration
13 program; or

14 (2) the date competency restoration services actually
15 begin.

16 SECTION 8. Article 46B.080, Code of Criminal Procedure, is
17 amended by adding Subsection (d) to read as follows:

18 (d) An extension under this article begins on the later of:

19 (1) the date the court enters the order under
20 Subsection (a); or

21 (2) the date competency restoration services actually
22 begin pursuant to the order entered under Subsection (a).

23 SECTION 9. Article 46B.090, Code of Criminal Procedure, is
24 amended by amending Subsections (a-1), (b), (c), (f), (g), (i),
25 (j), (k), (l), (m), and (n) and adding Subsections (f-1), (l-1),
26 (l-2), and (o) to read as follows:

27 (a-1) If the legislature appropriates to the commission

1 ~~[department]~~ the funding necessary for the commission ~~[department]~~
2 to operate a jail-based restoration of competency pilot program as
3 described by this article, the commission ~~[department]~~ shall
4 develop and implement the pilot program in one or two counties in
5 this state that choose to participate in the pilot program. In
6 developing the pilot program, the commission ~~[department]~~ shall
7 coordinate and allow for input from each participating county.

8 (b) The commission ~~[department]~~ shall contract with a
9 provider of jail-based competency restoration services to provide
10 services under the pilot program if the commission ~~[department]~~
11 develops a pilot program under this article.

12 (c) The executive ~~[Not later than November 1, 2013, the]~~
13 commissioner ~~[of the department]~~ shall adopt rules as necessary to
14 implement the pilot program. ~~[In adopting rules under this article,~~
15 ~~the commissioner shall specify the types of information the~~
16 ~~department must collect during the operation of the pilot program~~
17 ~~for use in evaluating the outcome of the pilot program.]~~

18 (f) To contract with the commission ~~[department]~~ under
19 Subsection (b), a provider of jail-based competency restoration
20 services must ~~[demonstrate to the department that]:~~

- 21 (1) be ~~[the provider:~~
- 22 ~~[(A) has previously provided jail-based~~
23 ~~competency restoration services for one or more years; or~~
- 24 ~~[(B) is]~~ a local mental health authority or local
25 behavioral health authority that is in good standing with the
26 commission, which may include an authority that is in good standing
27 with the commission and subcontracts with a provider of jail-based

1 competency restoration services [~~that has previously provided~~
2 ~~competency restoration services~~]; and

3 (2) contract with a county or counties to develop and
4 implement a jail-based competency restoration program.

5 (f-1) The [~~the~~] provider's jail-based competency
6 restoration program must:

7 (1) through the use of a multidisciplinary treatment
8 team, provide jail-based competency restoration services that are:

9 (A) [~~uses a multidisciplinary treatment team to~~
10 ~~provide clinical treatment that is:~~

11 [~~(i)~~] directed toward the specific
12 objective of restoring the defendant's competency to stand trial;
13 and

14 (B) [~~(ii)~~] similar to other [~~the clinical~~
15 ~~treatment provided as part of a~~] competency restoration programs
16 [~~program at an inpatient mental health facility~~];

17 (2) employ [~~(B) employs~~] or contract [~~contracts~~] for
18 the services of at least one psychiatrist;

19 (3) provide jail-based competency restoration
20 services through licensed or qualified mental health
21 professionals;

22 (4) provide [~~and (C) provides~~] weekly competency
23 restoration [~~treatment~~] hours commensurate to the [~~treatment~~]
24 hours provided as part of other [~~a~~] competency restoration programs
25 [~~program at an inpatient mental health facility~~];

26 (5) operate in the jail in a designated space that is
27 separate from the space used for the general population of the jail;

1 (6) ensure coordination of general health care;

2 (7) provide mental health treatment and substance use
3 disorder treatment to defendants, as necessary, for competency
4 restoration; and

5 (8) supply clinically appropriate psychoactive
6 medications for purposes of administering court-ordered medication
7 to defendants as applicable and in accordance with Article 46B.086
8 of this code or Section 574.106, Health and Safety Code

9 ~~[(3) the provider is certified by a nationwide~~
10 ~~nonprofit organization that accredits health care organizations~~
11 ~~and programs, such as the Joint Commission on Health Care Staffing~~
12 ~~Services, or the provider is a local mental health authority in good~~
13 ~~standing with the department; and~~

14 ~~[(4) the provider has a demonstrated history of~~
15 ~~successful jail-based competency restoration outcomes or, if the~~
16 ~~provider is a local mental health authority, a demonstrated history~~
17 ~~of successful competency restoration outcomes].~~

18 (g) A contract under Subsection (b) must require the
19 designated provider to collect and submit to the commission
20 ~~[department]~~ the information specified by rules adopted under
21 Subsection (c).

22 (i) A [The] psychiatrist or psychologist for the provider
23 who has the qualifications described by Article 46B.022 shall
24 evaluate the defendant's competency and report to the court as
25 required by Article 46B.079 ~~[conduct at least two full psychiatric~~
26 ~~evaluations of the defendant during the period the defendant~~
27 ~~receives competency restoration services in the jail. The~~

1 ~~psychiatrist must conduct one evaluation not later than the 21st~~
2 ~~day and one evaluation not later than the 55th day after the date~~
3 ~~the defendant begins to participate in the pilot program. The~~
4 ~~psychiatrist shall submit to the court a report concerning each~~
5 ~~evaluation required under this subsection].~~

6 (j) If at any time during a defendant's participation in the
7 jail-based restoration of competency pilot program the
8 psychiatrist or psychologist for the provider determines that the
9 defendant has attained competency to stand trial:

10 (1) the psychiatrist or psychologist for the provider
11 shall promptly issue and send to the court a report demonstrating
12 that fact; and

13 (2) the court shall consider that report as the report
14 of an expert stating an opinion that the defendant has been restored
15 to competency for purposes of Article [46B.0755](#)(a) or (b).

16 (k) If at any time during a defendant's participation in the
17 jail-based restoration of competency pilot program the
18 psychiatrist or psychologist for the provider determines that the
19 defendant's competency to stand trial is unlikely to be restored in
20 the foreseeable future:

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

24 (2) the court shall:

25 (A) proceed under Subchapter E or F and order the
26 transfer of the defendant, without unnecessary delay, to the first
27 available facility that is appropriate for that defendant, as

1 provided under Subchapter E or F, as applicable; or

2 (B) release the defendant on bail as permitted
3 under Chapter 17.

4 (1) If the psychiatrist or psychologist for the provider
5 determines that a defendant ordered to participate in the pilot
6 program has not been restored to competency by the end of the 60th
7 day after the date the defendant began to receive services in the
8 pilot program, the jail-based competency restoration program shall
9 continue to provide competency restoration services to the
10 defendant for the period authorized by this subchapter, including
11 any extension ordered under Article 46B.080, unless the jail-based
12 competency restoration program is notified that space at a facility
13 or outpatient competency restoration program appropriate for the
14 defendant is available and, as applicable:

15 (1) for a defendant charged with a felony, not less
16 than 45 days are remaining in the initial restoration period; or

17 (2) for a defendant charged with a felony or a
18 misdemeanor, an extension has been ordered under Article 46B.080
19 and not less than 45 days are remaining under the extension order.

20 (1-1) After receipt of a notice under Subsection (1), [+

21 ~~[(1) for a defendant charged with a felony, the~~
22 ~~defendant shall be transferred, without unnecessary delay and for~~
23 ~~the remainder of the period prescribed by Article 46B.073(b), to~~
24 ~~the first available facility that is appropriate for that defendant~~
25 ~~as provided by Article 46B.073(c) or (d); and~~

26 ~~[(2) for a defendant charged with a misdemeanor, the~~
27 ~~court may:~~

1 [~~(A)~~ order a single extension under Article
2 ~~46B.080~~ and the transfer of] the defendant shall be transferred
3 without unnecessary delay to the appropriate mental health
4 facility, ~~[or]~~ residential care facility, or outpatient competency
5 restoration program [as provided by Article ~~46B.073(d)~~] for the
6 remainder of the period permitted by this subchapter, including any
7 extension that may be ordered under Article 46B.080 if an extension
8 has not previously been ordered under that article. If the
9 defendant is not transferred, and if the psychiatrist or
10 psychologist for the provider determines that the defendant has not
11 been restored to competency by the end of the period authorized by
12 this subchapter, the defendant shall be returned to the court for
13 further proceedings. For a defendant charged with a misdemeanor,
14 the court may:

- 15 (1) [~~under the extension,~~
16 [~~(B)~~] proceed under Subchapter E or F;
17 (2) [~~(C)~~] release the defendant on bail as permitted
18 under Chapter 17; or
19 (3) [~~(D)~~] dismiss the charges in accordance with
20 Article 46B.010.

21 (1-2) The court retains authority to order the transfer of a
22 defendant who is subject to an order for jail-based competency
23 restoration services to an outpatient competency restoration
24 program if:

- 25 (1) the court determines that the defendant is not a
26 danger to others and may be safely treated on an outpatient basis
27 with the specific objective of attaining competency to stand trial;

1 and

2 (2) the other requirements of this subchapter relating
3 to an order for outpatient competency restoration services are met.

4 (m) Unless otherwise provided by this article, the
5 provisions of this chapter, including the maximum periods
6 prescribed by Article 46B.0095, apply to a defendant receiving
7 competency restoration services, including competency restoration
8 education services, under the pilot program in the same manner as
9 those provisions apply to any other defendant who is subject to
10 proceedings under this chapter.

11 (n) If the commission [~~department~~] develops and implements
12 a jail-based restoration of competency pilot program under this
13 article, not later than December 1, 2021 [~~2018~~], the executive
14 commissioner [~~of the department~~] shall submit a report concerning
15 the pilot program to the presiding officers of the standing
16 committees of the senate and house of representatives having
17 primary jurisdiction over health and human services issues and over
18 criminal justice issues. The report must include the information
19 collected by the commission [~~department~~] during the pilot program
20 and the executive commissioner's evaluation of the outcome of the
21 program as of the date the report is submitted.

22 (o) This article expires September 1, 2022. After the
23 expiration of this article, a pilot program established under this
24 article may continue to operate subject to the requirements of
25 Article 46B.091.

26 SECTION 10. Article 46B.091, Code of Criminal Procedure, is
27 amended by amending Subsections (g) and (j) and adding Subsections

1 (j-1) and (m) to read as follows:

2 (g) A psychiatrist or psychologist for the provider who has
3 the qualifications described by Article 46B.022 shall evaluate the
4 defendant's competency and report to the court as required by
5 Article 46B.079 [~~conduct at least two full psychiatric or~~
6 ~~psychological evaluations of the defendant during the period the~~
7 ~~defendant receives competency restoration services in the~~
8 ~~jail. The psychiatrist or psychologist must conduct one~~
9 ~~evaluation not later than the 21st day and one evaluation not later~~
10 ~~than the 55th day after the date the defendant is committed to the~~
11 ~~program. The psychiatrist or psychologist shall submit to the~~
12 ~~court a report concerning each evaluation required under this~~
13 ~~subsection].~~

14 (j) If the psychiatrist or psychologist for the provider
15 determines that a defendant committed to a program implemented
16 under this article has not been restored to competency by the end of
17 the 60th day after the date the defendant began to receive services
18 in the program, the jail-based competency restoration program shall
19 continue to provide competency restoration services to the
20 defendant for the period authorized by this subchapter, including
21 any extension ordered under Article 46B.080, unless the jail-based
22 competency restoration program is notified that space at a facility
23 or outpatient competency restoration program appropriate for the
24 defendant is available and, as applicable:

25 (1) for a defendant charged with a felony, not less
26 than 45 days are remaining in the initial restoration period; or

27 (2) for a defendant charged with a felony or a

1 misdemeanor, an extension has been ordered under Article 46B.080
2 and not less than 45 days are remaining under the extension order.

3 (j-1) After receipt of a notice under Subsection (j), [the
4 defendant shall be transferred, without unnecessary delay and for
5 the remainder of the period prescribed by Article 46B.073(b), to
6 the first available facility that is appropriate for that defendant
7 as provided by Article 46B.073(c) or (d); and

8 [(2) for a defendant charged with a misdemeanor, the
9 court may:

10 [(A) order a single extension under Article
11 46B.080 and, notwithstanding Articles 46B.073(e) and (f), the
12 transfer of] the defendant shall be transferred without unnecessary
13 delay to the appropriate mental health facility, [or] residential
14 care facility, or outpatient competency restoration program [as
15 provided by Article 46B.073(d)] for the remainder of the period
16 permitted by this subchapter, including any extension that may be
17 ordered under Article 46B.080 if an extension has not previously
18 been ordered under that article. If the defendant is not
19 transferred, and if the psychiatrist or psychologist for the
20 provider determines that the defendant has not been restored to
21 competency by the end of the period authorized by this subchapter,
22 the defendant shall be returned to the court for further
23 proceedings. For a defendant charged with a misdemeanor, the court
24 may: [under the extension,]

25 (1) [(B)] proceed under Subchapter E or F;

26 (2) [(C)] release the defendant on bail as permitted
27 under Chapter 17; or

1 (3) [~~(D)~~] dismiss the charges in accordance with
2 Article 46B.010.

3 (m) The court retains authority to order the transfer of a
4 defendant who is subject to an order for jail-based competency
5 restoration services to an outpatient competency restoration
6 program if:

7 (1) the court determines that the defendant is not a
8 danger to others and may be safely treated on an outpatient basis
9 with the specific objective of attaining competency to stand trial;
10 and

11 (2) the other requirements of this subchapter relating
12 to an order for outpatient competency restoration services are met.

13 SECTION 11. Subchapter E, Chapter 46B, Code of Criminal
14 Procedure, is amended by adding Article 46B.1055 to read as
15 follows:

16 Art. 46B.1055. MODIFICATION OF ORDER FOLLOWING INPATIENT
17 CIVIL COMMITMENT PLACEMENT. (a) This article applies to a
18 defendant who has been transferred under Article 46B.105 from a
19 maximum security unit to any facility other than a maximum security
20 unit.

21 (b) The defendant, the head of the facility to which the
22 defendant is committed, or the attorney representing the state may
23 request that the court modify an order for inpatient treatment or
24 residential care to order the defendant to participate in an
25 outpatient treatment program.

26 (c) If the head of the facility to which the defendant is
27 committed makes a request under Subsection (b), not later than the

1 14th day after the date of the request the court shall hold a
2 hearing to determine whether the court should modify the order for
3 inpatient treatment or residential care in accordance with Subtitle
4 C, Title 7, Health and Safety Code.

5 (d) If the defendant or the attorney representing the state
6 makes a request under Subsection (b), not later than the 14th day
7 after the date of the request the court shall grant the request,
8 deny the request, or hold a hearing on the request to determine
9 whether the court should modify the order for inpatient treatment
10 or residential care. A court is not required to hold a hearing under
11 this subsection unless the request and any supporting materials
12 provided to the court provide a basis for believing modification of
13 the order may be appropriate.

14 (e) On receipt of a request to modify an order under
15 Subsection (b), the court shall require the local mental health
16 authority or local behavioral health authority to submit to the
17 court, before any hearing is held under this article, a statement
18 regarding whether treatment and supervision for the defendant can
19 be safely and effectively provided on an outpatient basis and
20 whether appropriate outpatient mental health services are
21 available to the defendant.

22 (f) If the head of the facility to which the defendant is
23 committed believes that the defendant is a person with mental
24 illness who meets the criteria for court-ordered outpatient mental
25 health services under Subtitle C, Title 7, Health and Safety Code,
26 the head of the facility shall submit to the court before the
27 hearing a certificate of medical examination for mental illness

1 stating that the defendant meets the criteria for court-ordered
2 outpatient mental health services.

3 (g) If a request under Subsection (b) is made by a defendant
4 before the 91st day after the date the court makes a determination
5 on a previous request under that subsection, the court is not
6 required to act on the request until the earlier of:

7 (1) the expiration of the current order for inpatient
8 treatment or residential care; or

9 (2) the 91st day after the date of the court's previous
10 determination.

11 (h) Proceedings for commitment of the defendant to a
12 court-ordered outpatient treatment program are governed by
13 Subtitle C, Title 7, Health and Safety Code, to the extent that
14 Subtitle C applies and does not conflict with this chapter, except
15 that the criminal court shall conduct the proceedings regardless of
16 whether the criminal court is also the county court.

17 (i) The court shall rule on a request made under Subsection
18 (b) as soon as practicable after a hearing on the request, but not
19 later than the 14th day after the date of the request.

20 (j) An outpatient treatment program may not refuse to accept
21 a placement ordered under this article on the grounds that criminal
22 charges against the defendant are pending.

23 SECTION 12. Article 46C.102(a), Code of Criminal Procedure,
24 is amended to read as follows:

25 (a) The court may appoint qualified psychiatrists or
26 psychologists as experts under this chapter. To qualify for
27 appointment under this subchapter as an expert, a psychiatrist or

1 psychologist must:

2 (1) as appropriate, be a physician licensed in this
3 state or be a psychologist licensed in this state who has a doctoral
4 degree in psychology; and

5 (2) have the following certification [~~or experience~~]
6 or training:

7 (A) as appropriate, certification by:

8 (i) the American Board of Psychiatry and
9 Neurology with added or special qualifications in forensic
10 psychiatry; or

11 (ii) the American Board of Professional
12 Psychology in forensic psychology; or

13 (B) [~~experience or~~] training consisting of:

14 (i) at least 24 hours of specialized
15 forensic training relating to incompetency or insanity
16 evaluations; and

17 (ii) at least [~~five years of experience in~~
18 ~~performing criminal forensic evaluations for courts; and~~

19 [~~(iii)~~] eight [~~or more~~] hours of continuing
20 education relating to forensic evaluations, completed in the 12
21 months preceding the appointment [~~and documented with the court~~].

22 SECTION 13. Section 511.009(d), Government Code, is amended
23 to read as follows:

24 (d) The commission shall adopt reasonable rules and
25 procedures establishing minimum standards regarding the continuity
26 of prescription medications for the care and treatment of
27 prisoners. The rules and procedures shall require that:

1 (1) a qualified medical professional shall review as
2 soon as possible any prescription medication a prisoner is taking
3 when the prisoner is taken into custody; and

4 (2) a prisoner with a mental illness be provided with
5 each prescription medication that a qualified medical professional
6 or mental health professional determines is necessary for the care,
7 treatment, or stabilization of the prisoner.

8 SECTION 14. The following provisions of the Code of
9 Criminal Procedure are repealed:

10 (1) Articles 46B.090(a) and (h); and

11 (2) Article 46B.091(a).

12 SECTION 15. The change in law made by this Act to Article
13 16.22, Code of Criminal Procedure, applies only to a person who is
14 arrested on or after the effective date of this Act. A person
15 arrested before the effective date of this Act is governed by the
16 law in effect on the date the person was arrested, and the former
17 law is continued in effect for that purpose.

18 SECTION 16. The change in law made by this Act to Article
19 17.04, Code of Criminal Procedure, applies only to a personal bond
20 that is executed on or after the effective date of this Act. A
21 personal bond executed before the effective date of this Act is
22 governed by the law in effect on the date the personal bond was
23 executed, and the former law is continued in effect for that
24 purpose.

25 SECTION 17. The change in law made by this Act to Article
26 46C.102(a), Code of Criminal Procedure, applies to a defendant
27 against whom proceedings are initiated under Chapter 46C, Code of

1 Criminal Procedure, before, on, or after the effective date of this
2 Act.

3 SECTION 18. Not later than December 1, 2021, the Commission
4 on Jail Standards shall adopt the rules and procedures required by
5 Section [511.009\(d\)](#), Government Code, as amended by this Act.

6 SECTION 19. This Act takes effect September 1, 2021.