

By: Zaffirini

S.B. No. 1739

A BILL TO BE ENTITLED

AN ACT

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

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

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

(2) The magistrate is not required to order the interview and collection of other information under Subdivision (1) if the defendant is no longer in custody or 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 the service provider that contracts with the jail to provide mental health or intellectual and developmental disability services, the local mental health authority, the local intellectual and developmental disability authority, or another mental health or intellectual and developmental disability expert described by Subdivision (1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

SECTION 2. Article 17.04, Code of Criminal Procedure, is amended to read as follows:

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

1 addition, a personal bond shall contain:

2 (1) the defendant's name, address, and place of
3 employment;

4 (2) identification information, including the
5 defendant's:

6 (A) date and place of birth;

7 (B) height, weight, and color of hair and eyes;

8 (C) driver's license number and state of
9 issuance, if any; and

10 (D) nearest relative's name and address, if any;
11 and

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

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

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

21 (1) the magistrate makes a determination under Article
22 16.22 that the defendant has a mental illness or is a person with an
23 intellectual disability, including by using the results of a
24 previous determination under that article;

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

27 (3) the defendant is found incompetent to stand trial

1 in accordance with Chapter 46B.

2 SECTION 3. Subchapter B, Chapter 45, Code of Criminal
3 Procedure, is amended by adding Article 45.0214 to read as follows:

4 Art. 45.0214. DEFENDANT WITH MENTAL ILLNESS, INTELLECTUAL
5 OR DEVELOPMENTAL DISABILITY, OR LACK OF CAPACITY. (a) In this
6 article:

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

10 (2) "Defendant" includes a child as defined by Article
11 45.058(h).

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

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

20 (2) is unfit to proceed.

21 (c) If the court determines that probable cause exists for a
22 finding under Subsection (a), after providing notice to the state,
23 the court may dismiss the complaint.

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

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

1 Art. 45.0241. ACCEPTANCE OF PLEA OF GUILTY OR NOLO
2 CONTENDERE. Notwithstanding any other law, a justice or judge may
3 not accept a plea of guilty or plea of nolo contendere under Article
4 45.022 or 45.023(a) unless it appears that the defendant is
5 mentally competent and the plea is free and voluntary.

6 SECTION 5. Article 46B.009, Code of Criminal Procedure, is
7 amended to read as follows:

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

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

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

21 (b) A court sentencing a person convicted of a criminal
22 offense shall credit to the term of the person's sentence any period
23 during which the person participated in an outpatient competency
24 restoration program.

25 SECTION 6. Articles 46B.0095(c) and (d), Code of Criminal
26 Procedure, are amended to read as follows:

27 (c) The cumulative period described by Subsection (a):

1 (1) begins on the later of:

2 (A) the date the initial order of commitment or
3 initial order for outpatient competency restoration or treatment
4 program participation is entered under this chapter; or

5 (B) the date competency restoration services
6 actually begin; and

7 (2) in addition to any inpatient or outpatient
8 competency restoration periods or program participation periods
9 described by Subsection (a), includes any time that, following the
10 entry of an order described by Subdivision (1)(A), the defendant is
11 confined in a correctional facility, as defined by Section 1.07,
12 Penal Code, or is otherwise in the custody of the sheriff during or
13 while awaiting, as applicable:

14 (A) the defendant's transfer to:

15 (i) a mental hospital or other inpatient or
16 residential facility; or

17 (ii) a jail-based competency restoration
18 program;

19 (B) the defendant's release on bail to
20 participate in an outpatient competency restoration or treatment
21 program; or

22 (C) a criminal trial following any temporary
23 restoration of the defendant's competency to stand trial.

24 (d) The court shall credit to the cumulative period
25 described by Subsection (a) any time that a defendant, following
26 arrest for the offense for which the defendant was to be tried, is
27 confined in a correctional facility, as defined by Section 1.07,

1 Penal Code, before the date the cumulative period begins as
2 described by Subsection (c) [~~initial order of commitment or initial~~
3 ~~order for outpatient competency restoration or treatment program~~
4 ~~participation is entered under this chapter~~].

5 SECTION 7. Article 46B.090, Code of Criminal Procedure, is
6 amended by amending Subsections (a-1), (b), (c), (f), (g), (i),
7 (j), (k), (l), (m), and (n) and adding Subsections (f-1), (l-1),
8 (l-2), and (o) to read as follows:

9 (a-1) If the legislature appropriates to the commission
10 [~~department~~] the funding necessary for the commission [~~department~~]
11 to operate a jail-based restoration of competency pilot program as
12 described by this article, the commission [~~department~~] shall
13 develop and implement the pilot program in one or two counties in
14 this state that choose to participate in the pilot program. In
15 developing the pilot program, the commission [~~department~~] shall
16 coordinate and allow for input from each participating county.

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

21 (c) The executive [~~Not later than November 1, 2013, the~~]
22 commissioner [~~of the department~~] shall adopt rules as necessary to
23 implement the pilot program. [~~In adopting rules under this article,~~
24 ~~the commissioner shall specify the types of information the~~
25 ~~department must collect during the operation of the pilot program~~
26 ~~for use in evaluating the outcome of the pilot program.~~]

27 (f) To contract with the commission [~~department~~] under

1 Subsection (b), a provider of jail-based competency restoration
2 services must ~~[demonstrate to the department that]:~~

3 (1) be ~~[the provider:~~

4 ~~[(A) has previously provided jail-based
5 competency restoration services for one or more years; or~~

6 ~~[(B) is]~~ a local mental health authority or local
7 behavioral health authority that is in good standing with the
8 commission, which may include an authority that is in good standing
9 with the commission and subcontracts with a provider of jail-based
10 competency restoration services ~~[that has previously provided~~
11 ~~competency restoration services]; and~~

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

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

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

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

20 ~~[(i)]~~ directed toward the specific
21 objective of restoring the defendant's competency to stand trial;
22 and

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

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

1 (3) provide jail-based competency restoration
2 services through licensed or qualified mental health
3 professionals;

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

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

10 (6) ensure coordination of general health care;

11 (7) provide mental health treatment and substance use
12 disorder treatment to defendants, as necessary, for competency
13 restoration; and

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

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

23 ~~[(4) the provider has a demonstrated history of~~
24 ~~successful jail-based competency restoration outcomes or, if the~~
25 ~~provider is a local mental health authority, a demonstrated history~~
26 ~~of successful competency restoration outcomes].~~

27 (g) A contract under Subsection (b) must require the

1 designated provider to collect and submit to the commission
2 [~~department~~] the information specified by rules adopted under
3 Subsection (c).

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

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

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

22 (2) the court shall consider that report as the report
23 of an expert stating an opinion that the defendant has been restored
24 to competency for purposes of Article 46B.0755(a) or (b).

25 (k) If at any time during a defendant's participation in the
26 jail-based restoration of competency pilot program the
27 psychiatrist or psychologist for the provider determines that the

1 defendant's competency to stand trial is unlikely to be restored in
2 the foreseeable future:

3 (1) the psychiatrist or psychologist for the provider
4 shall promptly issue and send to the court a report demonstrating
5 that fact; and

6 (2) the court shall:

7 (A) proceed under Subchapter E or F and order the
8 transfer of the defendant, without unnecessary delay, to the first
9 available facility that is appropriate for that defendant, as
10 provided under Subchapter E or F, as applicable; or

11 (B) release the defendant on bail as permitted
12 under Chapter 17.

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

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

26 (2) for a defendant charged with a felony or a
27 misdemeanor, an extension has been ordered under Article 46B.080

1 and not less than 45 days are remaining under the extension order.

2 (1-1) After receipt of a notice under Subsection (1), [~~+~~

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

23 (1) [~~under the extension,~~

24 [~~B~~] proceed under Subchapter E or F;

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

27 (3) [~~D~~] dismiss the charges in accordance with

1 Article 46B.010.

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

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

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

12 (m) Unless otherwise provided by this article, the
13 provisions of this chapter, including the maximum periods
14 prescribed by Article 46B.0095, apply to a defendant receiving
15 competency restoration services, including competency restoration
16 education services, under the pilot program in the same manner as
17 those provisions apply to any other defendant who is subject to
18 proceedings under this chapter.

19 (n) If the commission [~~department~~] develops and implements
20 a jail-based restoration of competency pilot program under this
21 article, not later than December 1, 2021 [~~2018~~], the executive
22 commissioner [~~of the department~~] shall submit a report concerning
23 the pilot program to the presiding officers of the standing
24 committees of the senate and house of representatives having
25 primary jurisdiction over health and human services issues and over
26 criminal justice issues. The report must include the information
27 collected by the commission [~~department~~] during the pilot program

1 and the executive commissioner's evaluation of the outcome of the
2 program as of the date the report is submitted.

3 (o) This article expires September 1, 2022. After the
4 expiration of this article, a pilot program established under this
5 article may continue to operate subject to the requirements of
6 Article 46B.091.

7 SECTION 8. Article 46B.091, Code of Criminal Procedure, is
8 amended by amending Subsections (g) and (j) and adding Subsections
9 (j-1) and (m) to read as follows:

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

22 (j) If the psychiatrist or psychologist for the provider
23 determines that a defendant committed to a program implemented
24 under this article has not been restored to competency by the end of
25 the 60th day after the date the defendant began to receive services
26 in the program, the jail-based competency restoration program shall
27 continue to provide competency restoration services to the

1 defendant for the period authorized by this subchapter, including
2 any extension ordered under Article 46B.080, unless the jail-based
3 competency restoration program is notified that space at a facility
4 or outpatient competency restoration program appropriate for the
5 defendant is available and, as applicable:

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

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

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

16 [(2) for a defendant charged with a misdemeanor, the
17 court may:

18 [(A) order a single extension under Article
19 46B.080 and, notwithstanding Articles 46B.073(e) and (f), the
20 transfer of] the defendant shall be transferred without unnecessary
21 delay to the appropriate mental health facility, [or] residential
22 care facility, or outpatient competency restoration program [as
23 provided by Article 46B.073(d)] for the remainder of the period
24 permitted by this subchapter, including any extension ordered under
25 Article 46B.080. If the defendant is not transferred, and if the
26 psychiatrist or psychologist for the provider determines that the
27 defendant has not been restored to competency by the end of the

1 period authorized by this subchapter, the defendant shall be
2 returned to the court for further proceedings. For a defendant
3 charged with a misdemeanor, the court may: [~~under the extension,~~]

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

5 (2) [~~(C)~~] release the defendant on bail as permitted
6 under Chapter 17; or

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

9 (m) The court retains authority to order the transfer of a
10 defendant who is subject to an order for jail-based competency
11 restoration services to an outpatient competency restoration
12 program if:

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

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

19 SECTION 9. Subchapter E, Chapter 46B, Code of Criminal
20 Procedure, is amended by adding Article 46B.1055 to read as
21 follows:

22 Art. 46B.1055. MODIFICATION OF ORDER FOLLOWING INPATIENT
23 CIVIL COMMITMENT PLACEMENT. (a) This article applies to a
24 defendant who has been transferred under Article 46B.105 from a
25 maximum security unit to any facility other than a maximum security
26 unit.

27 (b) The defendant, the head of the facility to which the

1 defendant is committed, or the attorney representing the state may
2 request that the court modify an order for inpatient treatment or
3 residential care to order the defendant to participate in an
4 outpatient treatment program.

5 (c) If the head of the facility to which the defendant is
6 committed makes a request under Subsection (b), not later than the
7 14th day after the date of the request the court shall hold a
8 hearing to determine whether the court should modify the order for
9 inpatient treatment or residential care.

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

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

27 (f) If the head of the facility to which the defendant is

1 committed believes that the defendant is a person with mental
2 illness who meets the criteria for court-ordered outpatient mental
3 health services under Subtitle C, Title 7, Health and Safety Code,
4 the head of the facility shall submit to the court before the
5 hearing a certificate of medical examination for mental illness
6 stating that the defendant meets the criteria for court-ordered
7 outpatient mental health services.

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

12 (1) the expiration of the current order for inpatient
13 treatment or residential care; or

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

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

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

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

1 SECTION 10. Article 46C.102(a), Code of Criminal Procedure,
2 is amended to read as follows:

3 (a) The court may appoint qualified psychiatrists or
4 psychologists as experts under this chapter. To qualify for
5 appointment under this subchapter as an expert, a psychiatrist or
6 psychologist must:

7 (1) as appropriate, be a physician licensed in this
8 state or be a psychologist licensed in this state who has a doctoral
9 degree in psychology; and

10 (2) have the following certification [~~or experience~~]
11 or training:

12 (A) as appropriate, certification by:

13 (i) the American Board of Psychiatry and
14 Neurology with added or special qualifications in forensic
15 psychiatry; or

16 (ii) the American Board of Professional
17 Psychology in forensic psychology; or

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

19 (i) at least 24 hours of specialized
20 forensic training relating to incompetency or insanity
21 evaluations; and

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

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

27 SECTION 11. Section 511.009(d), Government Code, is amended

1 to read as follows:

2 (d) The commission shall adopt reasonable rules and
3 procedures establishing minimum standards regarding the continuity
4 of prescription medications for the care and treatment of
5 prisoners. The rules and procedures shall require that:

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

9 (2) a prisoner with a mental illness be provided with
10 each prescription medication that a qualified medical professional
11 or mental health professional determines is necessary for the care,
12 treatment, or stabilization of the prisoner.

13 SECTION 12. The following provisions of the Code of
14 Criminal Procedure are repealed:

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

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

17 SECTION 13. The change in law made by this Act to Article
18 17.04, Code of Criminal Procedure, applies only to a personal bond
19 that is executed on or after the effective date of this Act. A
20 personal bond executed before the effective date of this Act is
21 governed by the law in effect on the date the personal bond was
22 executed, and the former law is continued in effect for that
23 purpose.

24 SECTION 14. The change in law made by this Act to Article
25 46C.102(a), Code of Criminal Procedure, applies to a defendant
26 against whom proceedings are initiated under Chapter 46C, Code of
27 Criminal Procedure, before, on, or after the effective date of this

1 Act.

2 SECTION 15. Not later than December 1, 2021, the Commission
3 on Jail Standards shall adopt the rules and procedures required by
4 Section [511.009\(d\)](#), Government Code, as amended by this Act.

5 SECTION 16. This Act takes effect September 1, 2021.