

BILL ANALYSIS

S.B. 2479
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Judicial Commission on Mental Health has suggested revisions to laws related to mental health and intellectual disability. S.B. 2479 seeks to implement certain of those suggestions.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 2479 amends the Code of Criminal Procedure to expand the applicability of provisions relating to the early identification of defendants suspected of having a mental illness or an intellectual disability to include defendants charged with a Class C misdemeanor. Those provisions require a sheriff or municipal jailer to notify a magistrate regarding a defendant in custody who is suspected of having a mental illness or an intellectual disability and provide for the magistrate to order an interview of the defendant by a qualified expert, the collection of information regarding whether the defendant has a mental illness or is a person with an intellectual disability, and a written report of the interview and information collected. The bill includes defendants who are only arrested or charged with an offense punishable as a Class C misdemeanor among the defendants for whom a magistrate has discretion to order such an interview and report and is not required to do so.

S.B. 2479 clarifies that statutory provisions relating to the release on personal bond of defendants with mental illness or intellectual disability provide an exception to the prohibition against the release of certain defendants on personal bond.

S.B. 2479 amends the Health and Safety Code to establish that a peace officer who transports an apprehended person to a facility for emergency detention under the authority of a warrant issued by a judge or magistrate is not required to remain at the facility while the person is medically screened or treated or while the person's insurance coverage is verified and may leave the facility immediately after the person is taken into custody by appropriate facility staff and the peace officer provides to the facility the required documentation.

S.B. 2479 extends the authority of a physician to make an electronic application for an emergency detention warrant to a licensed mental health professional employed by a local mental health authority.

S.B. 2479 establishes that an order authorizing the administration of psychoactive medication to a patient ordered to receive inpatient mental health services also authorizes the taking of the patient's blood sample to conduct reasonable and medically necessary evaluations and laboratory tests to safely administer a psychoactive medication authorized by the order.

EFFECTIVE DATE

September 1, 2023.