

By: Johnson

H.B. No. 1741

A BILL TO BE ENTITLED

AN ACT

relating to certain proceedings and supervision following certain adjudications occurring in a criminal case.

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

SECTION 1. Article 46C.264(a), Code of Criminal Procedure, is amended to read as follows:

(a) Court-ordered ~~[The court may order the]~~ outpatient or community-based treatment and supervision may ~~[to]~~ be provided to the acquitted person only in a county in which ~~[in any appropriate county where the]~~ necessary resources are available and in which:

(1) the person was acquitted; or

(2) the court receiving jurisdiction over the person under Article 46C.2645 is located.

SECTION 2. Subchapter F, Chapter 46C, Code of Criminal Procedure, is amended by adding Article 46C.2645 to read as follows:

Art. 46C.2645. TRANSFER OF JURISDICTION OVER ACQUITTED PERSON RECEIVING COURT-ORDERED OUTPATIENT OR COMMUNITY-BASED TREATMENT AND SUPERVISION. (a) This article applies only with respect to an acquitted person for whom outpatient or community-based treatment and supervision are sought to be provided in a county other than the county in which the committing court is located.

(b) Either party may file a motion to transfer, to a county

1 other than the county in which the committing court is located,
2 jurisdiction over an acquitted person who has been ordered to
3 receive outpatient or community-based treatment and supervision.
4 The motion must be filed in the county to which the transfer is
5 sought and in a court with jurisdiction over the category of offense
6 of which the person was acquitted and must include:

7 (1) a description of the alternative placements in the
8 county of the committing court, as considered by the parties, and
9 why the placements are unsuitable;

10 (2) a statement that the local mental health authority
11 in the proposed county has been notified;

12 (3) the factors that create the nexus, as described by
13 Subsection (c)(4), between the acquitted person and the proposed
14 county; and

15 (4) any other factors that support the transfer.

16 (c) Not later than the 45th day after the date a motion
17 described by Subsection (b) is filed, the court shall conduct a
18 hearing on the motion. The court shall consider the following
19 factors in determining whether to accept jurisdiction over the
20 acquitted person:

21 (1) whether sufficient resources are available to
22 provide outpatient or community-based treatment and supervision in
23 the proposed county;

24 (2) whether the acquitted person can be adequately
25 supervised in the proposed county while maintaining the safety of
26 the community and the acquitted person;

27 (3) whether the local mental health authority in the

1 proposed county has agreed to provide the outpatient or
2 community-based treatment and supervision;

3 (4) whether there is a nexus between the acquitted
4 person and the proposed county that would add stability and support
5 for the person, including the acquitted person having:

6 (A) an active support network in that county,
7 including family and friends; and

8 (B) previously received mental health services
9 from the local mental health authority in the proposed county at any
10 time during the five-year period preceding the date of the person's
11 acquittal;

12 (5) the acquitted person's proposed outpatient or
13 community-based treatment plan; and

14 (6) other factors that the court considers relevant.

15 (d) After the court makes a determination that accepting
16 jurisdiction over the acquitted person is appropriate, the
17 committing court shall transfer the case to that court.

18 (e) After the case is transferred, the acquitted person's
19 discharge planning shall be completed by the court accepting
20 jurisdiction and the applicable local mental health authority and
21 state hospital serving the county in which that court is located.

22 SECTION 3. (a) The Health and Human Services Commission
23 shall conduct a study on persons who were, during the period
24 beginning on September 1, 2005, and ending on August 31, 2026:

25 (1) found not guilty by reason of insanity; and

26 (2) ordered by the court to participate in outpatient
27 or community-based treatment and supervision.

1 (b) Not later than December 1, 2026, the commission shall
2 prepare and submit to the legislature a written report containing
3 the results of the study and any recommendations for legislative or
4 other action. The report must include the following, with regard to
5 the acquitted persons who, during the applicable period described
6 by Subsection (a) of this section, are ordered by the court to
7 participate in outpatient or community-based treatment and
8 supervision:

9 (1) a list of each county with regard to which
10 acquitted persons are ordered to participate in treatment and
11 supervision;

12 (2) the number of acquitted persons ordered to
13 participate in treatment and supervision in:

14 (A) counties in which the court ordering the
15 treatment and supervision is located; or

16 (B) counties other than the county in which the
17 court ordering the treatment and supervision is located;

18 (3) the reasons acquitted persons are ordered to
19 participate in treatment and supervision in a county described by
20 Subdivision (2)(B) of this subsection;

21 (4) issues identified by treatment providers and other
22 stakeholders concerning acquitted persons being ordered to
23 participate in treatment and supervision in a county described by
24 Subdivision (2)(B) of this subsection;

25 (5) information on whether there is sufficient funding
26 for acquitted persons to participate in all types of outpatient
27 treatment and supervision in this state; and

1 (6) a description of outcomes for acquitted persons
2 participating in all types of outpatient treatment and supervision
3 in this state.

4 SECTION 4. (a) The changes in law made by this Act in
5 amending Article 46C.264(a), Code of Criminal Procedure, and adding
6 Article 46C.2645, Code of Criminal Procedure, apply to any
7 defendant who is subject to proceedings under Chapter 46C, Code of
8 Criminal Procedure, before, on, or after the effective date of this
9 Act.

10 (b) Notwithstanding Section 5, Chapter 831 (S.B. 837), Acts
11 of the 79th Legislature, Regular Session, 2005, for a person who
12 committed any element of the offense before September 1, 2005,
13 Chapter 46C, Code of Criminal Procedure, as amended by this Act,
14 governs:

15 (1) an initial determination of not guilty by reason
16 of insanity; and

17 (2) any subsequent proceedings that occur in relation
18 to a determination of not guilty by reason of insanity made under
19 Chapter 46C or former Article 46.03, Code of Criminal Procedure, as
20 applicable, including commitment hearings, recommitment hearings,
21 and court orders requiring participation in outpatient or
22 community-based treatment and supervision.

23 SECTION 5. This Act takes effect September 1, 2025.