

BILL ANALYSIS

Senate Research Center
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S.B. 803
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires an assessment to be made for every person in the custody of a sheriff or municipal jailer for a Class B misdemeanor or higher offense, if there is reasonable cause to believe that the person has a mental illness or intellectual disability. The assessment report is provided only to the defendant's lawyer, the prosecuting attorney, and the trial court. Other officials responsible for the person while in custody or supervision while released do not have access to the report, even though information regarding the defendant's mental status and intellectual functioning may be important to allow those officials to safely hold or effectively supervise the person.

S.B. 803 would expand the list of officials who receive a copy of the assessment report to include the sheriff or other person responsible for the person's medical records while incarcerated, the personal bond office of the county in which the person is confined, and the department that will supervise the person while the person is released on bail.

As proposed, S.B. 803 amends current law relating to a written assessment regarding a defendant suspected of having a mental illness or an intellectual disability.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 16.22, Code of Criminal Procedure, by amending Subsection (b-1) and adding Subsection (b-2), as follows:

(b-1) Requires the magistrate to provide copies of the written assessment to:

(1)–(3) creates these subdivisions from existing text and makes nonsubstantive changes;

(4) the sheriff or other person responsible for the defendant's medical records while the defendant is confined in county jail; and

(5) as applicable, any personal bond office established under Article 17.42 (Personal Bond Office) for the county in which the defendant is being confined, or the director of the office or department that is responsible for supervising the defendant while the defendant is released on bail and receiving mental health or intellectual disability services as a condition of bail.

(b-2) Creates this subsection from existing text. Makes no further changes to this subsection.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.