

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 49
By: Zaffirini
Criminal Justice
4/8/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When there is reasonable cause to believe that a person in custody has a mental health condition or an intellectual or developmental disability (IDD), current law requires an assessment to be performed. Although a written report regarding the assessment is required to be provided to the defendant's lawyer, the prosecutor, and the trial court, it is not given to the officials, such as sheriffs and personal bond officers, who are responsible for the person in custody. Information regarding such persons' mental health or IDD could be vital to those officials' ability to safely hold or effectively supervise them.

S.B. 49 would ensure that officials responsible, including sheriffs and personal bond officers, for the incarcerated persons in their custody, or for their supervision if they are out on bail, have access to information regarding a mental health condition or intellectual or developmental disability defendants might have. This would ensure that such persons are treated appropriately given their condition and provided with an adequate amount of supervision.

(Original Author's/ Sponsor's Statement of Intent)

C.S.S.B. 49 amends current law relating to procedures regarding defendants who are or may be persons with mental illness or 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(a)(2), Code of Criminal Procedure, to provide that the magistrate is not required to order the interview and collection of other information under Subdivision (1) (relating to credible information that may establish reasonable cause to believe a defendant has a mental illness or is a person with an intellectual disability) under certain circumstances, including if the defendant is no longer in custody.

SECTION 2. 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 report regarding a defendant suspected of having a mental illness or an intellectual disability to certain interested parties, including the sheriff or other person responsible for the defendant's medical records while such a defendant is confined in county jail and, 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 and developmental disability services as a condition of bail.

(b-2) Creates this subsection from existing text and makes no further changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2021.