

STATE OF TEXAS

RESOLUTION

of the

TEXAS JUDICIAL COUNCIL

Criminal Justice Committee JCMH Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, one of the Council's recommendations in 2016 was the creation of a Judicial Commission on Mental Health (JCMH); and

WHEREAS, JCMH was created jointly in a historic hearing and joint order by the Texas Supreme Court and Texas Court of Criminal Appeals in January 2018; and

WHEREAS, the Committee believes additional reforms to the ways that courts and the justice system interact with individuals with a mental health condition or an intellectual or developmental disability would benefit those individuals;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council urges the Legislature to enact the recommendations from the Texas Judicial Commission on Mental Health concerning the following areas:

1. Amend Texas Code of Criminal Procedure Chapter 46B to limit inpatient competency restoration for nonviolent misdemeanors to extraordinary circumstances; and
2. Amend Texas Code of Criminal Procedure article 46B.084 to address deteriorating mental condition; and
3. Credit for Participation in Outpatient Competency Restoration Programs; and
4. Use of Article 16.22 procedures for Class C Misdemeanors; and
5. Permit Class C Misdemeanor dismissal when the defendant is found not competent; and

6. Harmonize Mental Health Personal Bonds with Recent Amendments; and
7. Emergency Mental Health or Intellectual Disability Services Arrest Deferral for Nonviolent Offenses; and
8. Electronic Application for Emergency Detention Warrants by Qualified Professionals at Hospitals and Mental Health Facilities; and
9. Security of Firearms Found in Possession of Persons in Emergency Detention Under a Warrant; and
10. Authorization for Blood Draws for Patients Receiving Court-Ordered Medication; and
11. Clarification of a Law Enforcement Officer's Duties upon Presenting an Individual for Mental Health Services; and
12. Revisions to Family Code Chapter 55 Subchapter A. General Provisions; and
13. Revisions to Family Code Chapter 55 Subchapter B. Child with Mental Illness; and
14. Revisions to Family Code Chapter 55 Subchapter C. Child Unfit to Proceed as a Result of Mental Illness or Intellectual Disability; and
15. Revisions to Family Code Chapter 55 Subchapter D. Lack of Responsibility for Conduct as a Result of Mental Illness or Intellectual Disability; and
16. Addition of New Family Code Chapter 55 Subchapter E. Proceedings for Court-Ordered Mental Health or Residential Intellectual Disability Services.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council