

SB 1326 Reporting Guidance

Q: What is a mental health/intellectual disability assessment? A written assessment **ordered by the magistrate** and completed by the **local MH/IDD authority** or another qualified expert. It is NOT a notice sent to the magistrate by the jail or sheriff about a potential mental health issue.

The assessment must be documented on the [form](#) approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments.

Q: What is a competency examination? An examination **ordered by the court** to determine whether the defendant is incompetent to stand trial. It is NOT an emergency mental health commitment ordered by a magistrate.

Q: Who is responsible for SB 1326 reporting? The magistrate, the trial court, and the district clerk or county clerk.

Mental health/intellectual disability assessments:

- The **magistrate** is required to provide copies of the assessment to the defense counsel, the attorney representing the state, and the **trial court** (district or county court).
- The **magistrate** should send the assessment to the custodian of the district or county court records—**the district clerk or county clerk**—for inclusion in the defendant’s case file.
- The number of written assessments will be captured from district and county courts on Judicial Council Monthly District and County Court Activity Reports, submitted by **district clerks and county clerks**.

Role	Action Required to Report to OCA
Municipal or Justice Court Judges Serving as Magistrates, Justice or Municipal Court Clerks	Forward copy of MH/ID assessments to district clerk or county clerk (or both if necessary). If case is from another county, send to that county’s clerk.
All Other Magistrates	Forward copy of MH/ID assessments to district clerk or county clerk (or both if necessary). If case is from another county, send to that county’s clerk.
District and County Clerks	Report MH/ID assessments on the Judicial Council Monthly Court Activity Report

Competency examination reports:

- The **trial court** is required to report the number of competency examination reports received. The court should ensure that the **clerk** has the information necessary to report this information on the Judicial Council Monthly Court Activity Report.

Role	Action Required to Report to OCA
District and County Clerks	Report competency examinations on the Judicial Council Monthly Court Activity Report

Q: When and where do I need to start reporting this information? Beginning with the **September 2017 Judicial Council Monthly Court Activity Reports**, changes will be made to the **Criminal – Additional Court Activity** section for the district and county courts ONLY:

Reporting Requirement	Change
Mental health/intellectual disability assessment	New field added
Competency examination report	Replaces current Competency Hearings category

Q: My office has never received a mental health assessment. Those are done by the magistrates. How are we supposed to report the assessments on the Judicial Council Monthly District and County Court Activity Reports? The requirement for the magistrate to provide a copy of the assessment to the trial court is not new. SB 1326 only added a requirement that the assessment be on a specific form and that the number of assessments be reported to OCA. Given the now widespread awareness of the requirements, you should start receiving copies from the magistrates.

Q: How are assessments to be reported when there has not been an indictment or filing of a complaint or information? The assessment will not be reported until indictment or filing of a case. If there is no indictment or filing of a case, the assessment will not be reported.

Q: What date should be used when reporting an assessment or competency examination?

Document	Event	Date
Mental health/intellectual disability assessment	Assessment received from magistrate prior to indictment/filing of complaint or information	Indictment/case filing date
	Assessment received from magistrate after filing of case	Assessment date
Competency examination report	Report received from evaluator	Date report received

Q: How many assessments/competency examination reports should be reported when a defendant has multiple cases?

Count the assessment or competency examination report in **each** of the defendant’s cases. For example, if an assessment is issued for a person named in five separate indictments, count this as five assessments.