

**STATE OF TEXAS**

**RESOLUTION**

**of the**

**TEXAS JUDICIAL COUNCIL**

**Recommendations from the Judicial Commission on Mental Health**

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

WHEREAS, in the fall of 2019, the Courts convened two JCMH task forces, composed of stakeholders in the courts and mental health providers that intersect with the courts, to study and make recommendations to improve or refine laws and rules relating to mental health and intellectual and developmental disabilities; and

WHEREAS, the first task force was directed to examine current mental health statutes and procedures as the Legislature directed in Senate Bill 362<sup>1</sup> and the second task force was created to focus on legislative research to recommend potential legislative changes to the Council; 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; and

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. Defendant with Lack of Capacity in Justice and Municipal Courts;
2. Acceptance of a Plea in Justice and Municipal Courts;
3. Time Periods for Competency Orders;
4. Jail-Based Competency Restoration Pilot Program and County Programs;

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<sup>1</sup> See Act of May 15, 2019, 86<sup>th</sup> Leg., R.S. ch.582 Sec.26 (S.B. 362). "directed the Supreme Court of Texas to adopt rules to streamline and promote efficiency in court processes under Chapter 573 of the Texas Health and Safety Code (emergency detention) and to implement measures relating to mental health and intellectual and developmental disabilities to create consistency and access to the judicial branch."

5. Deadlines for Competency Evaluations and Timelines in Jail Based Competency Restoration Programs;
6. Good Time Credit for Defendants Released to Outpatient Competency Restoration Programs;
7. Possibility of a Step Down from Court-Ordered Inpatient to Outpatient Mental Health Services under 46B.105;
8. Expert Qualifications in Competency/Insanity Evaluations;
9. Oath and Promise to Appear for Persons with a Mental Illness or intellectual and developmental disability;
10. 16.22 Interview for a Defendant No Longer in Custody;
11. Psychiatric Stabilization in Jail;
12. Clarification of Officer's Duties Upon Presenting a Person for Emergency Mental Health Services;
13. Expansion of the Types of Professionals Who May Make an Electronic Application for Emergency Detention Warrant;
14. Seizure of Firearms in Possession of Person Taken into Custody by Warrant for Emergency Detention; and
15. Authorization for Blood Draws to Monitor Blood Levels of Psychoactive Medications Involuntarily Administered to Patients in Accordance with Lawful Orders.



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Honorable Nathan L. Hecht  
Chair, Texas Judicial Council