

**STATE OF TEXAS**

**RESOLUTION**

**of the**

**TEXAS JUDICIAL COUNCIL**

**Guardianship, Mental Health, and Intellectual/Developmental  
Disabilities Committee Recommendations 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, the 85th Legislature passed legislation designed to improve the administration of justice for defendants with mental illness or an intellectual or developmental disability, which went into effect on September 1, 2017; and

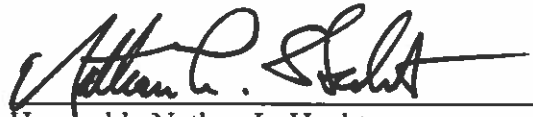
WHEREAS, feedback from courts, court staff, and stakeholders since that effective date points to the need for refinements of that legislation that will clarify procedures and the meaning of statutory language; and

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:

1. Clarify the meaning of “assessment” under Code of Criminal Procedure 16.22;
2. Amend Health and Safety Code Section 614.0032(b) to authorize the Texas Correctional Office on Offenders with Medical or Mental Impairments to approve and make available an electronic form for use by qualified persons in connection with mental health reporting results under Code of Criminal Procedure Article 16.22, and make this form confidential by law;
3. Amend Code of Criminal Procedure Article 16.22’s monthly reporting requirement to avoid duplicative reporting from magistrates and trial courts;
4. Amend Code of Criminal Procedure Article 42.09 Section 8 to authorize a transfer of mental health-related information when a defendant is moved from county jail to state prison;
5. Amend Government Code Section 54.003(b) to include part-time and full-time magistrates and associate judges appointed under Chapters 54 and 54A of the Government Code;
6. Clarify Health and Safety Code Section 574.034(b)’s standard for court-ordered temporary outpatient mental health services;

7. Create a new provision in Title 7, Subchapter E of the Health and Safety Code covering transfer from inpatient to outpatient treatment;
8. Ensure that the provision addressing status hearings for noncompliance in Health and Safety Code Section 574.037(c-2) is clear, and move the provision to Title 7, Subchapter E;
9. Amend Chapter 574 of the Health and Safety Code to require publicly funded facilities (including private psychiatric facilities receiving payment with public funding to treat an individual under Chapter 574) to coordinate the admission, treatment plan, and discharge plan with Local Mental Health Authorities, and to pay for medication upon discharge;
10. Modify Article 46B of the Code of Criminal Procedure and Chapter 574 of the Health and Safety Code to create a new civil commitment option for Class B misdemeanor defendants;
11. Provide additional funding for community mental health services, including outpatient mental health services; and
12. Grant courts discretion when initially committing a defendant for competency restoration services if the defendant is charged with an offense listed in Article 17.032(a), Code of Criminal Procedure, or the indictment alleges an affirmative finding under Article 42A.054(c) or (d), Code of Criminal Procedure, rather than mandating that all defendants be sent first to a Maximum Security Unit.



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Honorable Nathan L. Hecht  
Chair, Texas Judicial Council