CHAPTER 796
S.B. No. 1474
AN ACT
relating to the adoption of major curriculum initiatives by a school district.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (g), Section 28.002, Education Code, is amended to read as follows:

(g) A local instructional plan may draw on state curriculum frameworks and program standards as appropriate. Each district is encouraged to exceed minimum requirements of law and State Board of Education rule. Each district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:

(1) includes teacher input;

(2) provides district employees with the opportunity to express opinions regarding the initiative; and

(3) includes a meeting of the board of trustees of the district at which:

(A) information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and

(B) members of the public and district employees are given the opportunity to comment regarding the initiative.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on April 18, 2013: Yeas 30, Nays 0; passed the House on May 17, 2013: Yeas 133, Nays 1, one present not voting.

Approved June 14, 2013.
Effective June 14, 2013.

CHAPTER 797
S.B. No. 1475
AN ACT
relating to a jail-based restoration of competency pilot program.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 46B.073, Code of Criminal Procedure, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding Subsections (b), (c), and (d) and notwithstanding the contents of the applicable order of commitment, in a county in which the department operates a jail-based restoration of competency pilot program under Article 46B.090, a defendant for whom an order is issued under this article committing the defendant to a mental health facility or residential care facility shall be provided competency restoration services at the jail under
the pilot program if the service provider at the jail determines the defendant will immediately begin to receive services. If the service provider at the jail determines the defendant will not immediately begin to receive competency restoration services, the defendant shall be transferred to the appropriate mental health facility or residential care facility as provided by the court order. This subsection expires September 1, 2017.

SECTION 2. Subchapter D, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.090 to read as follows:

Art. 46B.090. JAIL-BASED RESTORATION OF COMPETENCY PILOT PROGRAM. (a) If the legislature appropriates to the department the funding necessary for the department to operate a jail-based restoration of competency pilot program as described by this article, the department shall develop and implement the pilot program in one or two counties in this state that choose to participate in the pilot program. In developing the pilot program, the department shall coordinate and allow for input from each participating county.

(b) The department shall contract with a provider of jail-based competency restoration services to provide services under the pilot program if the department develops a pilot program under this article.

(c) Not later than November 1, 2013, the commissioner of the department, in consultation with a stakeholder workgroup established by the department as provided by Subsection (d), shall adopt rules as necessary to implement the pilot program. In adopting rules under this article, the commissioner shall specify the types of information the department must collect during the operation of the pilot program for use in evaluating the outcome of the pilot program.

(d) The commissioner of the department shall establish a stakeholder workgroup to participate in developing and establishing rules for the pilot program. The stakeholder workgroup must be composed of:

(1) one member who is a sheriff;
(2) one member who represents a local mental health authority;
(3) one member who is a county commissioner, county judge, or elected county officer;
(4) one member who is a district attorney or county attorney with criminal jurisdiction;
(5) one member who is a defense attorney;
(6) one member who is a judge of a district criminal court or county criminal court;
(7) two members who are mental health advocates; and
(8) any other member the department considers appropriate to appoint to the stakeholder workgroup.

(e) This subsection and Subsection (d) expire not later than the 30th day after the date rules are adopted under Subsection (c).

(f) To contract with the department under Subsection (b), a provider of jail-based competency restoration services must demonstrate to the department that:

(1) the provider:
   (A) has previously provided jail-based competency restoration services for one or more years; or
   (B) is a local mental health authority that has previously provided competency restoration services;
(2) the provider’s jail-based competency restoration program:
   (A) uses a multidisciplinary treatment team to provide clinical treatment that is:
       (i) directed toward the specific objective of restoring the defendant’s competency to stand trial; and
       (ii) similar to the clinical treatment provided as part of a competency restoration program at an inpatient mental health facility;
   (B) employs or contracts for the services of at least one psychiatrist;
(C) assigns staff members to defendants participating in the program at an average ratio not lower than 3.7 to 1; and

(D) provides weekly treatment hours commensurate to the treatment hours provided as part of a competency restoration program at an inpatient mental health facility;

(3) the provider is certified by a nationwide nonprofit organization that accredits health care organizations and programs, such as the Joint Commission on Health Care Staffing Services, or the provider is a local mental health authority in good standing with the department; and

(4) the provider has a demonstrated history of successful jail-based competency restoration outcomes or, if the provider is a local mental health authority, a demonstrated history of successful competency restoration outcomes.

(g) A contract under Subsection (b) must require the designated provider to collect and submit to the department the information specified by rules adopted under Subsection (c).

(h) The designated provider shall enter into a contract with the participating county or counties. The contract must require the participating county or counties to:

(1) ensure the safety of defendants who participate in the jail-based restoration of competency pilot program;

(2) designate a separate space in the jail for the provider to conduct the pilot program;

(3) provide the same basic care to the participants as is provided to other inmates of a jail; and

(4) supply clinically appropriate psychoactive medications to the mental health service provider for purposes of administering court-ordered medication to the participants in accordance with Article 46B.086 of this code and Section 574.106, Health and Safety Code.

(i) The psychiatrist for the provider shall conduct at least two full psychiatric evaluations of the defendant during the period the defendant receives competency restoration services in the jail. The psychiatrist must conduct one evaluation not later than the 21st day and one evaluation not later than the 55th day after the date the defendant begins to participate in the pilot program. The psychiatrist shall submit to the court a report concerning each evaluation required under this subsection.

(j) If at any time during a defendant’s participation in the jail-based restoration of competency pilot program the psychiatrist for the provider determines that the defendant has attained competency to stand trial:

(1) the psychiatrist for the provider shall promptly issue and send to the court a report demonstrating that fact; and

(2) the court shall consider that report as the report of an expert stating an opinion that the defendant has been restored to competency for purposes of Article 46B.0755(a) or (b).

(k) If at any time during a defendant’s participation in the jail-based restoration of competency pilot program the psychiatrist for the provider determines that the defendant’s competency to stand trial is unlikely to be restored in the foreseeable future:

(1) the psychiatrist for the provider shall promptly issue and send to the court a report demonstrating that fact; and

(2) the court shall:

(A) proceed under Subchapter E or F and order the transfer of the defendant, without unnecessary delay, to the first available facility that is appropriate for that defendant, as provided under Subchapter E or F, as applicable; or

(B) release the defendant on bail as permitted under Chapter 17.

(l) If the psychiatrist for the provider determines that a defendant ordered to participate in the pilot program has not been restored to competency by the end of the 60th day after the date the defendant began to participate in the pilot program:

(1) for a defendant charged with a felony, the defendant shall be transferred, without unnecessary delay and for the remainder of the period prescribed by Article 46B.073(b), to the first available facility that is appropriate for that defendant as provided by Article 46B.073(c) or (d); and
(2) for a defendant charged with a misdemeanor, the court may:
(A) order a single extension under Article 46B.080 and the transfer of the defendant without unnecessary delay to the appropriate mental health facility or residential care facility as provided by Article 46B.073(d) for the remainder of the period under the extension;
(B) proceed under Subchapter E or F;
(C) release the defendant on bail as permitted under Chapter 17; or
(D) dismiss the charges in accordance with Article 46B.010.

(m) Unless otherwise provided by this article, the provisions of this chapter, including the maximum periods prescribed by Article 46B.0095, apply to a defendant receiving competency restoration services under the pilot program in the same manner as those provisions apply to any other defendant who is subject to proceedings under this chapter.

(n) If the department develops and implements a jail-based restoration of competency pilot program under this article, not later than December 1, 2016, the commissioner of the department shall submit a report concerning the pilot program to the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over health and human services issues and over criminal justice issues. The report must include the information collected by the department during the pilot program and the commissioner’s evaluation of the outcome of the program as of the date the report is submitted.

(o) This article expires September 1, 2017.

SECTION 3. The change in law made by this Act applies only to a defendant against whom proceedings have not been initiated under Chapter 46B, Code of Criminal Procedure, as amended by this Act, before the effective date of this Act. The determination of incompetency for a defendant against whom proceedings have been initiated under Chapter 46B, Code of Criminal Procedure, before the effective date of this Act is covered by the law in effect when the proceedings were initiated, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2013.

Passed the Senate on April 29, 2013: Yeas 30, Nays 1; passed the House on May 22, 2013: Yeas 132, Nays 12, one present not voting.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 798

S.B. No. 1479

AN ACT
relating to the provision of emergency services in the Williamson-Travis Counties Water Control and Improvement District No. 1F.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9042 to read as follows:

CHAPTER 9042. WILLIAMSON–TRAVIS COUNTIES WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1F

Sec. 9042.001. DEFINITION. In this chapter, “district” means the Williamson–Travis Counties Water Control and Improvement District No. 1F.

Sec. 9042.002. REMOVAL OF AREA FROM EMERGENCY SERVICES DISTRICT.
(a) This section applies only to: