

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1183
By: Perry
Criminal Justice
4/12/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 2,400 beds available for inpatient psychiatric treatment in state mental health facilities do not meet the statewide need. Competency restoration for mentally ill criminal defendants is authorized under Article 46B.071, Code of Criminal Procedure. Competency restoration generally includes two phases: (1) psychiatric stabilization, and (2) education about the criminal justice process to increase the defendant's ability to participate in presenting a legal defense.

The capacity needed for ongoing intensive care outside of an inpatient hospital bed setting is lacking. This capacity must be expanded if reliance on inpatient psychiatric treatment is to be reduced for those Texans who can be treated effectively and safely in other settings.

This bill addresses various areas of competency restoration to streamline this process and decrease the wait time for mental health beds, in the following ways:

- Reevaluating whether persons charged with non-violent, misdemeanor offenses should be committed to a state mental health facility for competency restoration. Individuals charged with non-violent, Class B misdemeanors face a maximum sentence of 180 days in jail. Placing these individuals on a path to competency restoration at a state mental health facility delays treatment and causes them to languish in jail waiting for a bed. Placing these individuals in a state mental health facility to retain competency to stand trial often is a moot point once competency is restored because the maximum sentence has been exceeded. These individuals would be better served by being connected to treatment in their communities or, if necessary, receiving treatment through a civil inpatient bed. This approach would reduce inpatient bed demand and free up capacity for those individuals who need treatment at a state mental health facility. Successful implementation of this approach will require creation and expansion of local treatment options sufficient to meet demand and the needs of these individuals and their communities;
- Clarifying existing law to provide local communities with the authority to offer competency restoration and maintenance in any safe and clinically appropriate setting that meets appropriate standards. These settings could include outpatient residential, community inpatient, and jail settings. The Council also should recommend broadening judicial discretion in choosing the best use of local competency restoration options, across appropriate settings, to help reduce backlogs in county jails and state hospitals;
- Simplifying the procedure for reimbursing counties for a restored inmate's medication and studying the resources necessary to address this population's medication needs adequately;
- Addressing the effects of trial delays after competency restoration has occurred by prioritizing trials for persons who have been restored to competency; and
- Shifting the legal education component of competency restoration to an appropriate nonmedical environment after psychiatric stabilization has been achieved. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1183 amends current law relating to procedures regarding criminal defendants who are or may be persons with a mental illness or an intellectual disability and to the period for which a person may be committed to receive certain temporary mental health services.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Texas Health and Human Services Commission (executive commissioner) in SECTION 29 (Article 46B.091, Code of Criminal Procedure) of this bill.

Rulemaking authority previously granted to the commissioner of the Department of State Health Services is transferred to the executive commissioner in SECTION 28 (Article 46B.090, Code of Criminal Procedure) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 32A.01, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires the trial of a criminal action against a defendant who is detained in jail pending trial of the action to be given preference over trials of other criminal actions not described by Subsection (b) (relating to requiring that certain criminal actions with alleged victims younger than 14 be given preference) or (c), rather than Subsection (b) only.

(c) Requires the trial of a criminal action against a defendant who has been determined to be restored to competency under Article 46B.084 (Proceedings on Return of Defendant to Court), except as provided by Subsection (b), to be given preference over other matters before the court, whether civil or criminal.

SECTION 2. Amends Article 46B.001, Code of Criminal Procedure, by adding Subdivision (9) to define "competency restoration."

SECTION 3. Amends the heading to Article 46B.0095, Code of Criminal Procedure, to read as follows:

Art. 46B.0095. MAXIMUM PERIOD OF COMMITMENT OR PROGRAM PARTICIPATION DETERMINED BY MAXIMUM TERM FOR OFFENSE.

SECTION 4. Amends Articles 46B.0095(a), (b), (c), and (d), Code of Criminal Procedure, as follows:

(a) Prohibits a defendant from being committed to certain facilities or to a jail-based competency restoration program, ordered to participate in an outpatient competency restoration program, or subjected to any combination of inpatient treatment, outpatient competency restoration, or treatment program participation or jail-based competency restoration under this chapter (Incompetency to Stand Trial) for a cumulative period that exceeds certain terms. Makes conforming and nonsubstantive changes.

(b) Requires the mental hospital, facility, or program provider, rather than the mental hospital or other inpatient or residential facility or outpatient program provider, identified in the most recent order of commitment or order of outpatient competency restoration or treatment program participation under this chapter to assess the defendant to determine if certain civil proceedings are appropriate. Authorizes the defendant to be confined for an additional period in a mental hospital or other facility, rather than inpatient or residential facility, or to be ordered to participate for an additional period in certain outpatient treatment programs, as appropriate.

(c) Provides that the cumulative period described by Subsection (a):

(1) begins on the date of the initial order of commitment or initial order for outpatient competency restoration or treatment program participation is entered under this chapter; and

(2) in addition to any inpatient or outpatient competency restoration periods or program participation periods described by Subsection (a), includes any time that meets certain conditions, including while the defendant is awaiting transfer to or release on bail from a jail-based competency restoration program or release on bail to participate in an outpatient competency restoration or treatment program.

(d) Makes a conforming change.

SECTION 5. Amends Article 46B.010, Code of Criminal Procedure, to make conforming changes.

SECTION 6. Amends Article 46B.026, Code of Criminal Procedure, by adding Subsection (d), to require the court to submit monthly to the Office of Court Administration of the Texas Judicial System the number of reports provided to the court under this article.

SECTION 7. Amends Article 46B.071(a), Code of Criminal Procedure, as follows:

(a) Requires the court, on a determination that a defendant is incompetent to stand trial and except as provided by Subsection (b) (relating to certain required actions by the court on a determination of incompetency to stand trial for the foreseeable future), to:

(1) if the defendant is charged with an offense punishable as a Class B misdemeanor:

(A) release the defendant on bail under Article 46B.0711. Deletes existing text requiring the court to commit the defendant to a program, rather than facility under Article 46B.073 (Commitment for Restoration to Competency). Creates this paragraph from existing text; or

(B) commit the defendant to a jail-based competency restoration program under Article 46B.073(e) or a mental health facility or residential care facility under Article 46B.073(f); or

(2) if the defendant is charged with an offense punishable as a Class A misdemeanor or any higher category of offense release the defendant on bail under Article 46B.072 (Release on Bail) or commit the defendant to a facility or a jail-based competency restoration program under Article 46B.073(c) or (d).

SECTION 8. Amends Subchapter D, Chapter 46B, Code of Criminal Procedure, by adding Article 46B.0711, as follows:

Art. 46B.0711. RELEASE ON BAIL FOR CLASS B MISDEMEANOR. (a) Provides that this article applies only to a defendant who is subject to an initial restoration period based on Article 46B.071 (Options on Determination of Incompetency).

(b) Requires the court, subject to certain conditions, and if the court determines that a defendant charged with an offense punishable as a Class B misdemeanor and found incompetent to stand trial is not a danger to others and may be safely treated on an outpatient basis with the specific objective of attaining competency to stand trial, and an appropriate outpatient competency restoration program is available for the defendant, to release the defendant on bail or continue the defendant's release on bail; and order the defendant to participate in an outpatient competency restoration program for a period not to exceed 60 days.

(c) Authorizes the court, notwithstanding Subsection (b), to order a defendant to participate in an outpatient competency restoration program under this article only if:

(1) the court receives and approves a comprehensive plan that provides for the treatment of the defendant for purposes of competency restoration and identifies the person who will be responsible for providing that treatment to the defendant; and

(2) the court finds that the treatment proposed by the plan will be available to and will be provided to the defendant.

(d) Authorizes an order issued under this article to require the defendant to participate in:

(1) as appropriate, an outpatient competency restoration program administered by a community center or an outpatient competency restoration program administered by any other entity that provides competency restoration services; and

(2) an appropriate prescribed regimen of medical, psychiatric, or psychological care or treatment, including care or treatment involving the administration of psychoactive medication, including those required under Article 46B.086 (Court-Ordered Medications).

SECTION 9 Amends the heading to Article 46B.072, Code of Criminal Procedure, to read as follows:

Art. 46B.072. RELEASE ON BAIL FOR FELONY OR CLASS A MISDEMEANOR.

SECTION 10. Amends Articles 46B.072(a-1), (b), (c), and (d), Code of Criminal Procedure, as follows:

(a-1) Requires the court to take certain actions, subject to conditions reasonably related to ensuring public safety and the effectiveness of the defendant's treatment, if the court determines that a defendant charged with an offense punishable as a felony or a Class A misdemeanor and found incompetent to stand trial is not a danger to others and may be safely treated on an outpatient basis with the specific objective of attaining competency to stand trial, and an appropriate outpatient competency restoration program, rather than if an appropriate outpatient treatment program, is available for the defendant. Makes conforming and nonsubstantive changes.

(b) Requires the court to order a defendant released on bail under Subsection (a-1) to participate in an outpatient competency restoration program, rather than an outpatient treatment program, for a period not to exceed 120 days.

(c) and (d) Makes conforming changes.

SECTION 11. Amends Article 46B.073, Code of Criminal Procedure, by amending Subsections (b), (c), (d), and (e) and adding Subsection (f), as follows:

(b) Requires the court, for purposes of further examination and competency restoration services with, rather than for further examination and treatment toward, the specific objective of a defendant attaining competency to stand trial, to commit the defendant described by Subsection (a) (relating to certain defendants who are subject to an initial restoration period) to a mental health facility, residential care facility, or jail-based competency restoration program, rather than a mental health or residential care facility, for certain applicable periods.

(c) Requires the court, if the defendant is charged with certain offenses, to enter an order committing the defendant for competency restoration services to certain facilities. Makes conforming and nonsubstantive changes.

(d) Authorizes a defendant to be committed to a jail-based competency restoration program only if the program provider determines the defendant will begin to receive competency restoration services within 72 hours of arriving at the program. Makes conforming changes.

(e) Authorizes a defendant charged with an offense punishable as a Class B misdemeanor, except as provided by Subsection (f), to be committed under this subchapter (Procedures After Determination of Incompetency) only to a jail-based competency restoration program.

(f) Authorizes a defendant charged with an offense punishable as a Class B misdemeanor to be committed to a mental health facility or residential care facility described by Subsection (d) only if a jail-based competency restoration program is not available. Deletes existing text requiring certain competency restoration services at a jail to be provided to certain defendants committed to the jail.

SECTION 12. Amends Article 46B.074(a), Code of Criminal Procedure, to make a conforming and a nonsubstantive change.

SECTION 13. Amends Article 46B.075, Code of Criminal Procedure, as follows:

Art. 46B.075. New heading: TRANSFER OF DEFENDANT TO FACILITY OR PROGRAM. Requires an order issued under Article 46B.0711, 46B.072, or 46B.073, rather than Article 46B.072 or 46B.073, to place the defendant in the custody of the sheriff for transportation to the facility or program, rather than outpatient treatment program, as applicable, in which the defendant is to receive competency restoration services, rather than treatment for the purposes of competency restoration.

SECTION 14. Amends Articles 46B.0755(a), (b), and (d), Code of Criminal Procedure, to make conforming and nonsubstantive changes.

SECTION 15. Amends Article 46B.076, Code of Criminal Procedure, as follows:

Art. 46B.076. COURT'S ORDER. (a) Requires the court to send a copy of the order to the applicable facility or the program, rather than the facility to which the defendant is committed or the outpatient treatment program to which the defendant is released, if the defendant is found incompetent to stand trial. Makes conforming changes.

(b) Makes conforming changes.

SECTION 16. Amends Article 46B.077, Code of Criminal Procedure, as follows:

Art. 46B.077. INDIVIDUAL TREATMENT PROGRAM. (a) Requires the facility or jail-based competency restoration program, rather than facility only, to which the defendant is committed or the outpatient competency restoration program, rather than outpatient treatment program, to which the defendant is released on bail to take certain actions.

(b) Makes conforming and nonsubstantive changes.

(c) Requires an outpatient competency restoration program, if the defendant is released to the program, rather than if the defendant is released to a treatment program not provided by an inpatient mental health or residential care facility, to report to the court not later than a certain date and until the defendant is no longer

released to the program, rather than treatment program, at least once during each 30-day period following the required report. Makes conforming changes.

SECTION 17. Amends Article 46B.078, Code of Criminal Procedure, as follows:

Art. 46B.078. CHARGES SUBSEQUENTLY DISMISSED. Requires the court that issued the order under Article 46B.0711, 46B.072, or 46B.073, rather than Article 46B.072 or 46B.073 only, if the charges pending against a defendant are dismissed, to send a copy of the order of dismissal to certain persons, including the provider of the jail-based competency restoration program or the provider of the outpatient competency restoration program, rather than outpatient treatment program. Makes a conforming change.

SECTION 18. Amends Article 46B.079, Code of Criminal Procedure, as follows:

Art. 46B.079. NOTICE AND REPORT TO COURT. (a) Requires certain persons, including the provider of the jail-based competency restoration program or the provider of the outpatient competency restoration program, rather than outpatient treatment program, to notify the applicable court that the initial restoration period is about to expire not later than a certain date.

(b) Requires certain persons, including the provider of the jail-based competency restoration program, rather than the provider of the outpatient treatment program, to promptly notify the court when the head of the facility or program provider believes that:

(1) the defendant is clinically ready and can be safely transferred to a competency restoration program for education services but has not yet attained competency to stand trial;

(2) the defendant has attained competency to stand trial; or

(3) redesignates existing Subdivision (2) as Subdivision (3) and makes no further changes to this subdivision.

(b-1) Requires the outpatient competency restoration program provider to promptly notify the court when the program provider believes that the defendant has attained competency to stand trial or the defendant is not likely to attain competency in the foreseeable future.

(c) Requires the head of the facility or program provider, when certain persons give notice to the court under Subsection (a), (b) or (b-1), rather than Subsection (a) or (b), to file a certain report stating certain information relating to a proposed discharge or transfer and including a certain list of medications prescribed for the defendant while the defendant was receiving competency restoration services in the facility or through the program, rather than participating in the outpatient treatment program. Requires the court to provide to certain attorneys copies of a report based on notice under this article, to enable any objection to the findings of the report to be made in a timely manner as required under Article 46B.084(a-1). Makes conforming changes.

(d) Makes a conforming change.

SECTION 19. Amends Article 46B.080(a), Code of Criminal Procedure, to make a conforming change.

SECTION 20. Amends Subchapter D, Chapter 46B, Code of Criminal Procedure, by adding Articles 46B.0805 and 46B.0825, as follows:

Art. 46B.0805. COMPETENCY RESTORATION EDUCATION SERVICES. (a) Requires the court, on notification from the head of a facility or a program provider under Article 46B.079(b)(1), to order the defendant to receive competency restoration education services in a jail-based competency restoration program or an outpatient competency restoration program, as appropriate and if available.

(b) Requires the court, if a defendant for whom an order is entered under Subsection (a) was committed for competency restoration to a facility other than a jail-based competency restoration program, to send a copy of that order to the sheriff of the county in which the court is located, the head of the facility to which the defendant was committed for competency restoration, and the local mental health authority or local intellectual and developmental disability authority, as appropriate.

(c) Requires the applicable facility, as soon as practicable but not later than the 10th day after the date of receipt of a copy of an order by the heads of certain facilities, to discharge the defendant into the care of the sheriff of the county in which the court is located. Requires the sheriff to transport the defendant to the jail-based competency restoration program or outpatient competency restoration program, as appropriate.

(d) Requires a jail based competency restoration program or outpatient competency restoration program that receives a defendant under this article to give to the court notice regarding the defendant's entry into the program for purposes of receiving competency restoration education services and subsequent notice as otherwise required under Article 46B.079.

Art. 46B.0825. ADMINISTRATION OF MEDICATION WHILE IN CUSTODY OF SHERIFF. (a) Requires a sheriff having custody of a defendant for transportation as required by Article 46B.075, 46B.0805, or 46B.082 to, according to information available at the time and unless directed otherwise by a physician treating the defendant, ensure that the defendant is provided with the types and dosages of medication prescribed for the defendant.

(b) Provides that, to the extent funds are appropriated for that purpose, a sheriff is entitled to reimbursement from the state for providing the medication required by Subsection (a).

(c) Provides that if the sheriff determines that funds are not available from the state to reimburse the sheriff as provided by Subsection (b), the sheriff is not required to comply with Subsection (a).

SECTION 21. Amends Article 46B.081, Code of Criminal Procedure, as follows:

Art. 46B.081. RETURN TO COURT. Requires a defendant committed or released on bail under this subchapter, subject to 46B.082(b), to be returned to the applicable court as soon as practicable after notice to the court is provided under Article 46B.079(a), (b)(2), (b)(3), or (b-1), rather than Article 46B.079, but not later than a certain period specified by the court under Article 46B.0711, 46B.072, or 46B.073, rather than Article 46B.072 or 46B.073 only.

SECTION 22. Amends the heading to Article 46B.082, Code of Criminal Procedure, to read as follows:

Art. 46B.082. TRANSPORTATION OF DEFENDANT TO COURT.

SECTION 23. Amends Article 46B.082(b), Code of Criminal Procedure, as follows:

(b) Requires the head of the facility or provider of the jail-based competency restoration program which the defendant is committed or the provider of the outpatient competency

restoration program in which the defendant is participating, if before the 15th day after the date on which the court received notification under Article 46B.079(a), (b)(2), (b)(3), or (b-1), rather than Article 46B.079, a defendant committed to a facility or jail-based competency restoration program or ordered to participate in an outpatient competency restoration program has not been transported to the court that issued the order under certain articles, including article 46B.0711, to cause the defendant to be promptly transported to the court and placed in the custody of the sheriff of the county in which the court is located. Requires the county in which the court is located to reimburse certain entities, including the Texas Health and Human Services Commission (HHSC) or program provider, rather than the Department of State Health Services and the Department of Aging and Disability Services, for certain expenses. Makes conforming changes.

SECTION 24. Amends Article 46B.083, Code of Criminal Procedure, as follows:

Art. 46B.083. New heading: SUPPORTING COMMITMENT INFORMATION PROVIDED BY FACILITY OR PROGRAM. (a) Requires certain persons, including the jail-based competency restoration program provider or the outpatient competency restoration program provider, rather than the outpatient treatment program provider, if those persons believe that the defendant is a person with mental illness and meets certain criteria, to have a certificate of medical examination for mental illness submitted to the court. Makes a conforming change.

(b) Requires certain persons, including the jail-based competency restoration program provider or the outpatient competency restoration program provider, if those persons believe that the defendant is a person with an intellectual disability, to submit to the court an affidavit stating the conclusions reached as a result of the examination.

SECTION 25. Amends Article 46B.084(a-1)(1), Code of Criminal Procedure, as follows:

(1) Authorizes the court to make the determination regarding the defendant's competency to stand trial based only on the most recent report that is filed under Article 46B.079(c) and based on notice under that article, other than notice under Subsection (b)(1) (relating to certain required notifications when certain persons believe the defendant can be safely transferred to a competency restoration program) of that article and on certain other information relating to the defendant. Makes conforming and nonsubstantive changes.

SECTION 26. Amends Articles 46B.086(a), (b), (c), and (d), Code of Criminal Procedure, as follows:

(a) Provides that this article applies only to a defendant:

(1) makes no changes to this subdivision;

(2) who either:

(A) remains confined under certain conditions while awaiting transfer to certain facilities, including a jail-based competency restoration program, or an outpatient competency restoration program, rather than outpatient treatment program;

(B) and (C) makes conforming changes;

(D) is subject to Article 46B.0711, if the court has made the determinations required by Subsection (b) of that article; or

(E) redesignates existing Paragraph (D) as Paragraph (E) and makes no further changes to this paragraph;

(3) makes conforming changes; and

(4) makes no changes to this subdivision.

(b) Requires the director of the facility or program provider, as applicable, to notify the court if a defendant described by Subsection (a) refuses to take psychoactive medications as required. Makes conforming and nonsubstantive changes.

(c) and (d) Makes conforming changes.

SECTION 27. Amends Subchapter D, Chapter 46B, Code of Criminal Procedure, by adding Article 46B.091, as follows:

Art. 46B.091. JAIL-BASED COMPETENCY RESTORATION PROGRAM IMPLEMENTED BY COUNTY. (a) Defines "commission" and "executive commissioner."

(b) Authorizes a county or counties to jointly develop and implement a jail-based competency restoration program.

(c) Requires a county that implements a program under this article to contract with a provider of jail-based competency restoration services that is a local mental health authority or local behavioral health authority that is in good standing with HHSC, which may include an authority that is in good standing with HHSC and subcontracts with a provider of jail-based competency restoration services.

(d) Requires a jail-based competency restoration program to:

(1) provide jail-based competency restoration services through the use of a multidisciplinary treatment team that is directed toward the specific objective of restoring the defendant's competency to stand trial and is similar to other competency restoration programs;

(2) employ or contract for the services of at least one psychiatrist;

(3) provide jail-based competency restoration services through licensed or qualified mental health professionals;

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

(5) operate in the jail in a designated space that is separate from the space used for the general population of the jail;

(6) ensure coordination of general health care;

(7) provide mental health treatment and substance use disorder treatment to defendants, as necessary, for competency restoration; and

(8) supply clinically appropriate psychoactive medications for purposes of administering court-ordered medication to defendants as applicable and in accordance with Article 46B.086 of this code or Section 574.106, Health and Safety Code.

(e) Requires the executive commissioner of HHSC (executive commissioner) to adopt rules as necessary for a county to develop and implement a program under this article. Requires HHSC, as part of the rulemaking process, to establish contract monitoring and oversight requirements for a local mental health authority or local behavioral health authority that contracts with a county to provide jail-

based competency restoration services under this article. Requires that the contract monitoring and oversight requirements be consistent with local mental health authority or local behavioral health authority performance contract monitoring and oversight requirements, as applicable.

(f) Authorizes HHSC to inspect on behalf of the state any aspect of a program implemented under this article.

(g) Requires a psychiatrist or psychologist for the provider to conduct at least two full psychiatric or psychological evaluations of the defendant during the period the defendant receives competency restoration services in the jail. Requires the psychiatrist or psychologist to conduct one evaluation not later than the 21st day and one evaluation not later than the 55th day after the date the defendant is committed to the program. Requires the psychiatrist or psychologist to submit to the court a report containing each evaluation required under this subsection.

(h) Provides that if at any time during a defendant's commitment to a program implemented under this article the psychiatrist or psychologist for the provider determines that the defendant has attained competency to stand trial:

(1) the psychiatrist or psychologist for the provider is required to promptly issue and send to the court a report demonstrating that fact; and

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

(i) Provides that if at any time during a defendant's commitment to a program implemented under this article the psychiatrist or psychologist for the provider determines that the defendant's competency to stand trial is unlikely to be restored in the foreseeable future:

(1) the psychiatrist or psychologist for the provider is required to promptly issue and send to the court a report demonstrating that fact; and

(2) the court is required to proceed under Subchapter E (Civil Commitment: Charges Pending) or F (Civil Commitment: Charges Dismissed) 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 to release the defendant on bail as permitted under Chapter 17 (Bail).

(j) Provides that if the psychiatrist or psychologist for the provider determines that a defendant committed to a program implemented under this article has not been restored to competency by the end of the 60th day after the date the defendant was committed to the program:

(1) for a defendant charged with a felony, the defendant is required to 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 is authorized to:

(A) order a single extension under Article 46B.080 and, notwithstanding Articles 46B.073(e) and (f), 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.

(k) Provides that 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, including competency restoration education services, under a program implemented under this article in the same manner as those provisions apply to any other defendant who is subject to proceedings under this chapter.

(l) Provides that this article does not affect the responsibility of a county to ensure the safety of a defendant who is committed to the program and to provide the same adequate care to the defendant as is provided to other inmates of the jail in which the defendant is located.

SECTION 28. Amends Section 574.034(g), Health and Safety Code, as follows:

(g) Requires an order for temporary inpatient or outpatient mental health services to state that treatment is authorized for not longer than 45 days, rather than 90 days, except that the order is authorized to specify a period not to exceed 90 days if the judge finds that the longer period is necessary. Deletes existing text prohibiting the order from specifying a shorter period.

SECTION 29. Amends Section 614.0032(b), Health and Safety code, as follows:

(b) Requires the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) to approve and make generally available in electronic format a certain standard for use in reporting competency examination results. Deletes existing text relating to certain required duties of TCOOMMI with the special assistance of the Advisory Committee of the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments,

SECTION 30. Repealers:

(1) Article 46B.026(c) (relating to requiring the court to forward certain reports to TCOOMMI), Code of Criminal Procedure;

(2) Articles 46B.090(o) (relating to providing that this article expires September 1, 2019), Code of Criminal Procedure; and

(3) Section 614.0032(c) (relating to requiring district or juvenile courts to submit certain reports to TCOOMMI), Health and Safety Code.

SECTION 31. Requires the executive commissioner to, not later than November 1, 2017, adopt the rules described by Article 46B.091(e), Code of Criminal Procedure, as added by this Act.

SECTION 32. (a) Makes application of this Act, except as provided by Subsection (b), prospective.

(b) Makes application of Section 574.034(g), Health and Safety Code, as amended by this Act, prospective.

SECTION 33. Effective date: September 1, 2017.