

BILL ANALYSIS

S.B. 803
By: Rodríguez
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State law provides for the early identification of a defendant suspected of having a mental illness or intellectual disability and requires a written assessment regarding such a defendant to be provided to the defendant's lawyer, the prosecuting attorney, and the trial court. It has been suggested that it may be helpful for other officials responsible for the defendant while in custody or supervision to have access to this assessment for purposes of determining conditions of personal bond or the implementation of a supervision plan as well as ensuring continuity of care. S.B. 803 seeks to address this issue by expanding the types of officials who must be provided with a copy of a written assessment regarding a defendant suspected of having a mental illness or an intellectual disability.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 803 amends the Code of Criminal Procedure to require a magistrate to provide copies of the written assessment provided by the applicable mental health or intellectual disability expert regarding whether a defendant held in custody has a mental illness or an intellectual disability to the sheriff or other person responsible for the defendant's medical records while the defendant is confined in county jail and, as applicable, to any personal bond office established for the county in which the defendant is being confined or the director of the office or department that is responsible for supervising the defendant while the defendant is released on bail and receiving mental health or intellectual disability services as a condition of bail.

EFFECTIVE DATE

September 1, 2019.