



86TH TEXAS LEGISLATIVE UPDATE

HB: 601

Interview and Collection of Information

- In large part, HB 601 is a bill created to clarify two bills passed in the 85th Legislative Session (2017): S.B. 1326 and S.B. 1849. These bills amended Article 16.22 of the Code of Criminal Procedure (CCP) and were related to procedures regarding criminal defendants who are or may be persons with a mental illness or an intellectual disability.
- After the passage of S.B. 1326 and S.B. 1849, the Office of Court Administration (OCA) received feedback from stakeholders regarding certain language in the bills; specifically, there was confusion surrounding the terms "assessment," "collect," "collection of information," and "information collected."
- H.B. 601 amends CCP Article 16.22 to clarify that a full-blown examination of mental illness or IDD is not required before the defendant goes before a magistrate. All that is required is that the local mental health authority (LMHA), local intellectual and developmental disability authority (LIDDA), or another qualified mental health or intellectual and developmental disability (IDD) expert must simply "interview" the defendant and collect related information.
- Note that added subsection (a-4) allows an interview to be conducted in person in the jail, by telephone, or through a telemedicine medical service or telehealth service.
- H.B. 601 also removed the reference to the preparation of a "written assessment" and replaces that language with "written report."

Reimbursement for Interviews and Reports

- H.B. 601 adds three new sections to CCP Article 16.22 - (a-1), (a-2), and (a-3) -which address reimbursement for an LMHA, LIDDA, or another qualified mental health or IDD expert that conducts an interview or collects information under CCP 16.22(a)(1).
- These new sections state the commissioners court for the county in which the magistrate is located may adopt a fee schedule to pay for such costs, and if so, must consider the accepted reasonable cost in that county of performing such duties.
- If the commissioners court fails to adopt such a fee schedule, or if the cost of performing the interview and collection of information exceeds the amount of the applicable fee schedule, then the person conducting the interview may ask the judge with jurisdiction over the underlying offense to determine a reasonable amount for reimbursement. The judge in this case has no later than 45 days after the request is made to make that determination.
- A hearing is not required.
- Note that this reimbursement is in addition to the reimbursement required under current law in CCP Article 16.22(a)(1)(B)(3).