

TEXAS COMMISSION ON JAIL STANDARDS

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Technical Assistance Bulletin

TO: ALL SHERIFFS
FROM: Adan Muñoz, Jr., Executive Director
DATE: September 15, 2009
RE: SB1557

The following information is being provided by Dee Wilson, Director of Reentry and Integration for the Texas Department of Criminal Justice. Prior to her recent appointment as Director of Reentry and Integration, Ms. Wilson served as Executive Director for the Texas Correctional Office on Offenders with Medical and Mental Impairments(TCOOMMI) of which the Texas Commission on Jail Standards serves as an advisory member to the TCOOMMI Committee.

A number of inquiries have been made regarding SB 1557 and its impact on local jails and mental health authorities. This correspondence is being forwarded to address issues that have been raised on this Legislation.

Important to mention, is that the statutory provisions in 16.22, Code of Criminal Procedures, have been in law for over a decade. SB 1557's primary focus is to establish a method for the jails to communicate to the courts of a defendant's "possible" mental illness or retardation based upon credible information. This could include self reporting, prior or current MHMRA service history as noted on cross-referencing activities, family or third party information or observation by jail or medical staff. As a reminder, the Texas Law Enforcement Telecommunications System database is being modified to include public mental health client information, and should be operational by December 2009.

SB 1557 does not change the current process for conducting mental health or competency assessments. It also does not require the local MHMRA's to conduct the assessments. Whatever assessment or evaluation processes the jails or courts previously used is to be continued. It is also not necessary to "hold" a Class C misdemeanor in order to conduct an assessment.

The intent of the Legislation was to require the sheriffs to comply with existing Legislation and by doing so provide defense attorneys, prosecutors, probation officers and the courts with necessary information to aid in decisions on the diversion, prosecution, punishment or treatment of mentally ill defendants, along with release decisions as outlined in 17.032, Code of Criminal Procedure. In essence, SB 1557 was intended to put in plain language a process for collecting that information and passing it along to criminal justice professionals.

If you or your staff's have any further questions regarding SB 1557, please feel free to contact. Diana Spiller, Research Specialist at 512-463-3185 with the Texas Commission on Jail Standards or Dee Wilson, Director of Reentry and Integration Division at 512-406-5406.

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