


TEXAS COMMISSION ON JAIL STANDARDS

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TECHNICAL ASSISTANCE MEMORANDUM

TO: All Sheriffs and Jail Administrators
FROM: Brandon Wood, Executive Director 
REGARDING: Mental Health Screening Form to Magistrates
DATE: December 6, 2018

When a jail notifies a magistrate that a person arrested or confined for a Class B misdemeanor or higher has a mental illness or is a person with an intellectual disability, Code of Criminal Procedure § 16.22(a)(1) requires that the jail must include with the notice any information it used to determine the inmate's mental illness or intellectual disability, such as information regarding the defendant's behavior immediately before, during, and after the person's arrest and, if applicable, the results of any previous assessment of the defendant.

In order for a jail to comply with the requirements of §16.22, the *Screening Form for Suicide and Medical/ Mental/ Developmental Impairments* (intake screening form) along with any other information the jail possesses will need to be submitted to the magistrate along with the magistrate notification. Providing the *Screening Form for Suicide and Medical/ Mental/ Developmental Impairments* to the magistrate does NOT violate HIPPA.

Effective immediately, ALL jails will be required to provide the necessary documentation to the magistrate in order to comply with Article 16.22 of the Code of Criminal Procedure. Failure to provide the necessary documentation may result in the issuance of a notice of non-compliance.

Your assistance in this matter is appreciated.

Judge Bill Stoudt, Longview, Chair
Jerry W. Lowry, New Caney, Vice Chair
Larry S. May, Sweetwater

Sheriff Dennis D. Wilson, Groesbeck
Sheriff Kelly Rowe, Lubbock
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"The Commission on Jail Standards welcomes all suggestions and will promptly respond to all complaints directed against the agency or any facilities under its purview."
To empower local government to provide safe, secure and suitable local jail facilities through proper rules and procedures while promoting innovative programs and ideas