CAUSE NO. \_\_\_\_\_\_\_\_\_\_

**THE STATE OF TEXAS § IN THE \_\_\_\_\_\_\_\_\_\_\_ COURT**

**§**

**V. § OF**

**§**

**\_\_\_\_\_\_\_\_\_\_\_\_\_ § \_\_\_\_\_\_\_\_\_\_ COUNTY, TEXAS**

## AGREED JUDGMENT OF COMMITMENT FOLLOWING COMPETENCY EXAM INCOMPETENT BUT LIKELY TO REGAIN COMPETENCY – INPATIENT OR JBCR

On the \_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_ 202 , the Defendant having been charged by indictment in the above-entitled and numbered cause for the criminal offense of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the State appearing by its Assistant Criminal District Attorney, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and \_\_\_\_\_\_\_\_\_\_\_\_\_ , the attorney for the Defendant, announced ready. In advance of the trial on the merits, it came to the attention of the Court that a suggestion has been raised that the Defendant may be incompetent to stand trial.

1. **Findings of the Court**

The Court finds that there is some evidence that the Defendant may be incompetent to stand trial. The suggestion of incompetency not being contested and neither party requesting a jury determination, and concurrent with the report of the qualified expert, the Court further finds by a preponderance of the evidence that the said Defendant is incompetent to stand trial on the \_\_\_\_ day of **\_\_\_\_\_\_\_\_\_\_\_\_,** 202 . The court further determines that, pursuant to Article 46B.071(a), Texas Code of Criminal Procedure, that the Defendant is likely to be restored to competency in the foreseeable future.

1. **Inpatient Commitment**

The Court further finds that the Defendant: [choose one] is  ***or***is not charged with an offense(s) listed in Article 17.032(a), and [choose one] the indictment request does **** ***or*** does not request an affirmative finding under Article 42A.054(c) or (d), Texas Code of Criminal Procedure.

Accordingly, subject to the possible application of the provisions of Paragraph III. below, and pursuant to Chapter 46B of the Texas Code of Criminal Procedure, the Court ORDERS the Defendant committed to a mental health facility determined to be appropriate by the **HEALTH AND HUMAN SERVICES COMMISSION** as provided by the law to be treated in conformity with Article 46B.073(d), Texas Code of Criminal Procedure, and released in conformity with Articles 46B.079 and 46B.082, Texas Code of Criminal Procedure.

The Court further ORDERS the Sheriff of \_\_\_\_\_\_\_\_\_\_\_ County, Texas, to take the Defendant into custody and to deliver the Defendant to a mental health facility determined by to be appropriate by the **HEALTH AND HUMAN SERVICES COMMISSION**.

The Court further ORDERS that the head of such mental health facility, upon admitting the defendant, shall give the person transporting the Patient a written statement acknowledging acceptance of the defendant and of any personal property belonging to the defendant and shall file a copy of the statement with the Clerk of this Court.

The Court further ORDERS that, if the head of said facility to which the defendant has been committed determines that the defendant shall be released from the facility, the head of the said facility shall notify this Court and the Sheriff of this county in writing of the release not later than the 15th day before the date on which the facility intends to release the defendant. The head of the facility shall provide this Court with notice and a written statement that states an opinion as to whether or not the defendant to be released has attained competency to stand trial.

The Court further ORDERS that the Defendant is to be held for a period not to exceed one hundred and twenty (120) days after the defendant is received by the facility for further examination and treatment toward the specific objective of attaining competency to stand trial.

1. **Jail-Based Competency Restoration Commitment**

In the event that a position comes available for the defendant in the local Jail-Based Competency Restoration Program prior to admission to a state hospital, the Court ORDERS [insert name of JBCR provider here], to provide jail-based restoration services for a period authorized by Chapter 46B, Subchapter D, of the Texas Code of Criminal Procedure. To ensure public safety and the effectiveness of the Defendant’s treatment, the Defendant shall be subject to the following conditions:

* Defendant shall continue to take medication as prescribed;
* Defendant will take psychotropic medication for treatment of mental illness;
* Defendant will attend sessions of individual therapy as determined by [insert name of JBCR provider here] and participate in all jail-based competency restoration services;
* Defendant will complete competency restoration on an **inpatient** basis through [insert name of JBCR provider here], jail-based restoration; and
* Defendant will submit to drug tests as requested

After participating in jail-based competency restoration for a period of 60 days, if it is determined by the provider that the defendant is unlikely to be restored to competency then a defendant shall be treated pursuant to Article 46B.091, subsections (j) and (j-1), Texas Code of Criminal Procedure.

The Court further ORDERS that the Clerk of this Court send a certified copy of this judgment and any of the following documents available to the Court to the Sheriff of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County and that such documents accompany the Defendant to [insert name of JBCR provider here]:

1. The reports of any expert;
2. Psychiatric, psychological, or social work reports that relate to the mental condition of the Defendant;
3. Documents provided by the attorney representing the State or the attorney representing the Defendant that relate to the Defendant’s current or past mental condition;
4. The Defendant’s criminal history record; and
5. The address of the attorney representing the State and the Attorney representing the Defendant.

It is further ordered that a Protective Order is issued precluding [insert name of JBCR provider here], from further dissemination of any discovery provided by the State for the purpose of restoration to any third party.

SIGNED AND ENTERED on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 202 .

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE PRESIDING

AGREED AND APPROVED:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[name]

Assistant District Attorney

SBN: XXXX

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[name]

Attorney for Defendant

SBN: XXXX