

Over-view of Commitments

- **Initial restoration period** Tex. Code Crim Proc. Art 46B.071

“likely to be restored in the foreseeable future”

- may only have one initial restoration period per Tex. Code Crim Proc. Art 46B.085
 - There are different lengths of restoration periods depending on class of offense & inpatient/outpatient.
 - Initial restoration period begins when... Tex. Code Crim Proc. Art 46B.0735
- **Possible 60-day automatic extension** Tex. Code Crim Proc. Art 46B.080
 - may only have one initial restoration period per Tex. Code Crim Proc. Art 46B.085
 - **Extended Commitments: (i.e. - Civil Commitment: Charges Pending) –**

“unlikely to be restored in the foreseeable future”

Subchapter E – This subchapter applies to a defendant against whom a court is required to proceed according to Article 46B.084(e) or according to the court’s appropriate determination under Article 46B.071.

- **46B.102 commitment for Mental Illness** (can be renewed until maximum restoration period reached)
 - Temporary inpatient or outpatient mental health services (HSC 574.034 or 574.0345) can be done with certificates of medical examinations.
 - for 45 up to 90 days since defendant has NOT been inpatient for 60 consecutive days in the previous 12-months.
 - 1st extended mental health services commitment (HSC Sec. 574.035 or 574.0355) needs live testimony per HSC 574.031 (d-2)
 - Extended for up to 12 months since defendant has been inpatient for 60 consecutive days in the previous 12-months.
 - Renewals of orders for extended mental health services can be done with certificates of medical examinations (HSC 574.066)
 - Extended for up to 12 months since defendant has been inpatient for 60 consecutive days in the previous 12-months.
- **46B.103 long term IDD commitment**
- **Civil Commitment: Charges Dismissed**

Subchapter F - If the Court is required by Article 46B.084(f) or by its appropriate determination

under Article 46B.071 to proceed under this subchapter, or if the court is permitted by Article 46B.004(e) to proceed under this subchapter, the court shall determine whether there is evidence to support a finding that the defendant is either a person with a mental illness or with an intellectual disability.