

FILED

ADMINISTRATIVE ORDER

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IN THE COUNTY COURT AT LAW

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2026-03

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No. 3

Elaine H. Cordova
 COUNTY CLERK
 HAYS COUNTY, TEXAS

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HAYS COUNTY, TEXAS

**STANDING ADMINISTRATIVE ORDER PROHIBITING OUT-OF-COUNTY
 TRANSFER OF DEFENDANTS IN MENTAL HEALTH CASES**

WHEREAS, the Courts of Hays County are committed to the early identification and stable treatment of defendants with mental health, substance use, and intellectual challenges pursuant to **Tex. Code Crim.**

Proc. Art. 16.22 and the **Hays County Mental Health Court** protocols;

WHEREAS, the Courts find that the transfer of such defendants to remote, out-of-county facilities significantly impedes the administration of justice;

IT IS THEREFORE ORDERED that for all defendants identified as having a mental illness or intellectual disability under Art. 16.22, or those currently enrolled in or being screened for Mental Health Court, the following shall apply:

1. **Presumption of Local Housing:** There is a rebuttable presumption that such defendants must remain housed in the Hays County Jail facility.
2. **Findings of Prejudice:** The Court finds that out-of-county transfer:
 - Creates an **undue burden** on the defense's ability to consult with counsel, infringing upon Sixth Amendment rights;
 - Results in **significant legal delays** and interruptions in court settings;
 - Causes **disruption in the medication regimen**, risking clinical decompensation; and
 - Is **disruptive to essential services** provided by local mental health authorities and providers.
3. **Transfer Prohibition:** The Sheriff of Hays County is **PROHIBITED** from transferring any defendant with an active "Mental Health Flag" or pending 16.22 assessment to an out-of-county facility without a specific, case-by-case written order from the presiding judge of the court of jurisdiction.

Elaine S. Brown
 Elaine Brown, Administrative Judge