

BILL ANALYSIS

Senate Research Center

H.B. 431
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Criminal Justice
5/18/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The October 2006, Sunset Advisory Commission staff report on the Texas Department of Criminal Justice (TDCJ) found that district judges lack clear statutory authority to consider the release of persons confined in state jails. The report recommends that these judges be authorized to permit the early release of persons confined in state jails who no longer pose a threat to public safety due to their medical conditions, and that the Texas Correctional Office on Offenders with Medical or Mental Impairments (office) be required to identify and recommend persons confined in state jails who are eligible for early medical release.

TDCJ cannot develop a consistent process to ensure that eligible state jail confines are reviewed and considered for early medical release without clear authority. Such a process would maximize the benefits of medical release and lower state medical costs.

H.B. 431 authorizes judges to release certain state jail felony defendants into medically recommended intensive supervision and sets forth a provision requiring the office to periodically identify state jail defendants suitable for early medical release.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15, Article 42.12, Code of Criminal Procedure, by adding Subsection (i) and (j), as follows:

(i) Authorizes the judge sentencing a defendant convicted of a state jail felony, if the sentence is executed, to release the defendant to a medical care facility or medical treatment program if the Texas Correctional Office on Offenders with Medical or Mental Impairments (office) identifies the defendant as being elderly, physically disabled, mentally ill, terminally ill, mentally retarded, or having a condition requiring long-term care and prepares for the defendant a medically recommended intensive supervision plan that meets certain guidelines in cooperation with the community supervision and corrections department serving the sentencing court.

(j) Authorizes the judge to dispose of the matter as provided by Subsections (e) and (f)(1) if a defendant is released to a medical care facility or medical treatment program under Subsection (i) and violates the terms of that release.

SECTION 2. Amends Section 614.0032(a), Health and Safety Code, to include among the required duties of the office that the office periodically identify state jail felony defendants suitable for release under Section 15(i), Article 42.12, Code of Criminal Procedure, and perform other duties imposed on the office by that section.

SECTION 3. Effective date: September 1, 2007.