

BILL ANALYSIS

Senate Research Center
80R14081 KEL-D

C.S.S.B. 440
By: Deuell
Criminal Justice
4/18/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 440 ensures that the length of time that a criminal defendant is committed to a mental hospital or other in-patient or residential facility during mental competency proceedings does not exceed the maximum sentence for the criminal offense. The bill provides that once the defendant has served the maximum sentence for the offense, the defendant may only be confined for an additional period of time pursuant to civil commitment proceedings. This bill also provides that a defendant who has been restored to competency and has not been tried within two years of the order of commitment, is eligible for mandatory dismissal of a misdemeanor charge. C.S.S.B. 440 protects incarcerated people with severe mental illnesses from receiving inadequate and possibly harmful treatment of their mental health needs.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 46B, Code of Criminal Procedure, by amending Articles 46B.009 and 46B.010 and by adding Article 46B.0095, as follows:

Art. 46B.009. TIME CREDITS. Deletes existing Subsection (b), regarding the prohibition against committing a defendant to a mental hospital or other in-patient or residential facility (hospital or facility) for longer than the maximum term provided by law for the offense and the authorization, on expiration of that term, to confine the defendant in a hospital or facility for an additional term, only pursuant to civil commitment proceedings. Makes conforming changes.

Art. 46B.0095. MAXIMUM PERIOD OF COMMITMENT DETERMINED BY MAXIMUM TERM FOR OFFENSE. Prohibits a defendant from being committed to a hospital or facility under this chapter for a cumulative period that exceeds the maximum term provided by law for the offense for which the defendant was to be tried. Authorizes the defendant, on expiration of that maximum term, to be confined for an additional period in a mental hospital or other in-patient or residential facility only pursuant to civil commitment proceedings.

Art. 46B.010. MANDATORY DISMISSAL OF MISDEMEANOR CHARGES. Requires a court, if the court commits a defendant who is charged with a misdemeanor punishable by confinement and the defendant is not tried before the second anniversary of the date on which the order of commitment was entered, to dismiss the charge on its own motion, on the motion of the attorney representing the state, or on the motion of the defendant or the defendant's attorney or other authorized representative.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.