

BILL ANALYSIS

Senate Research Center
84R156 KEL-F

H.B. 2301
By: Riddle et al. (Whitmire)
Criminal Justice
5/20/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 82nd Legislature, Regular Session, two separate articles were enacted and currently exist in the Code of Criminal Procedure. Given that the two versions differ substantively, the existence of the two articles naturally creates confusion.

H.B. 2301 repeals Article 46B.0095(d), Code of Criminal Procedure, as added by Chapter 822 (H.B. 2725), Acts of the 82nd Legislature, Regular Session, 2011, in accordance with the Code Construction Act. This article requires a court to credit toward the cumulative period of commitment to an inpatient facility or participation in an outpatient treatment program of a defendant determined to be incompetent to stand trial any time that the defendant, following arrest for the offense for which the defendant was to be tried, is confined in a correctional facility before the initial order of commitment or participation is entered.

H.B. 2301 amends current law relating to time credits awarded against the cumulative period of commitment or treatment of certain defendants determined to be incompetent to stand trial.

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. Repealer: Article 46B.0095(d) (authorizing the court to credit to the cumulative period of commitment or treatment any time that a defendant is confined in a correctional facility following an arrest for the offense for which the defendant was to be tried and any good conduct time the defendant has been granted under Article 42.032 (Good Conduct) in relation to the defendant's confinement), Code of Criminal Procedure, as added by Chapter 822 (H.B. 2725), Acts of the 82nd Legislature, Regular Session, 2011.

SECTION 2. Provides that the change in law made by this Act applies only to a defendant with respect to whom any proceeding under Chapter 46B (Incompetency to Stand Trial), Code of Criminal Procedure, is conducted on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2015.