

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2302
By: Riddle; Rose (Whitmire)
Criminal Justice
5/22/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 82nd Regular Session, two separate articles enumerated as 46B.010 were passed and currently exist in the Code of Criminal Procedure. This creates confusion in the Article.

C.S.H.B. 2302 re-enacts Article 46B.010, Code of Criminal Procedure, as added by Chapter 822 (H.B. 2725), Acts of the 82nd Legislature, Regular Session, 2011, to conform to changes made by Chapter 718 (H.B. 748), Acts of the 82nd Legislative , Regular Session, 2011.

- In compliance with the Code Construction Act.
- which requires a court to, on the motion of an attorney representing a defendant charged with a misdemeanor punishable by confinement ordered to participate in and outpatient treatment program to set the matter to be heard not later than the 10th day after the date of filing of the motion if the defendant is not tried before the expiration of the maximum period of restoration and requiring such a court to dismiss the charge on a finding that the defendant was not tried before the expiration of the maximum period of restoration.

C.S.H.B. 2302 amends current law relating to the mandatory dismissal of misdemeanor charges against 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. Reenacts Article 46B.010 (Mandatory Dismissal of Misdemeanor Charges), Code of Criminal Procedure, as amended by Chapters 718 (H.B. 748) and 822 (H.B. 2725), Acts of the 82nd Legislature, Regular Session, 2011, and makes no further change.

SECTION 2. Amends Article 46B.073(e), Code of Criminal Procedure, to provide that this subsection expires September 1, 2019, rather than September 1, 2017.

SECTION 3. Amends Article 46B.090(o), Code of Criminal Procedure, to provide that this article expires September 1, 2019, rather than September 1, 2017.

SECTION 4. Provides that the change in law made by this Act to Article 46B.010, Code of Criminal Procedure, 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 5. Effective date: September 1, 2015.