

1-1 By: Riddle, Rose (Senate Sponsor - Whitmire) H.B. No. 2302  
1-2 (In the Senate - Received from the House May 11, 2015;  
1-3 May 12, 2015, read first time and referred to Committee on Criminal  
1-4 Justice; May 24, 2015, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 May 24, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Burton	X		
1-12	Creighton	X		
1-13	Hinojosa	X		
1-14	Menéndez	X		
1-15	Perry	X		

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 2302 By: Whitmire

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the mandatory dismissal of misdemeanor charges against  
1-20 certain defendants determined to be incompetent to stand trial.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 46B.010, Code of Criminal Procedure, as  
1-23 amended by Chapters 718 (H.B. 748) and 822 (H.B. 2725), Acts of the  
1-24 82nd Legislature, Regular Session, 2011, is reenacted to read as  
1-25 follows:

1-26 Art. 46B.010. MANDATORY DISMISSAL OF MISDEMEANOR  
1-27 CHARGES. If a court orders that a defendant charged with a  
1-28 misdemeanor punishable by confinement be committed to a mental  
1-29 hospital or other inpatient or residential facility, participate in  
1-30 an outpatient treatment program, or be subjected to both inpatient  
1-31 and outpatient treatment, and the defendant is not tried before the  
1-32 expiration of the maximum period of restoration described by  
1-33 Article 46B.0095:

1-34 (1) on the motion of the attorney representing the  
1-35 state, the court shall dismiss the charge; or

1-36 (2) on the motion of the attorney representing the  
1-37 defendant, the court shall:

1-38 (A) set the matter to be heard not later than the  
1-39 10th day after the date of filing of the motion; and

1-40 (B) dismiss the charge on a finding that the  
1-41 defendant was not tried before the expiration of the maximum period  
1-42 of restoration.

1-43 SECTION 2. Article 46B.073(e), Code of Criminal Procedure,  
1-44 is amended to read as follows:

1-45 (e) Notwithstanding Subsections (b), (c), and (d) and  
1-46 notwithstanding the contents of the applicable order of commitment,  
1-47 in a county in which the department operates a jail-based  
1-48 restoration of competency pilot program under Article 46B.090, a  
1-49 defendant for whom an order is issued under this article committing  
1-50 the defendant to a mental health facility or residential care  
1-51 facility shall be provided competency restoration services at the  
1-52 jail under the pilot program if the service provider at the jail  
1-53 determines the defendant will immediately begin to receive  
1-54 services. If the service provider at the jail determines the  
1-55 defendant will not immediately begin to receive competency  
1-56 restoration services, the defendant shall be transferred to the  
1-57 appropriate mental health facility or residential care facility as  
1-58 provided by the court order. This subsection expires September 1,  
1-59 2019 [2017].

1-60 SECTION 3. Article 46B.090(o), Code of Criminal Procedure,

2-1 is amended to read as follows:

2-2 (o) This article expires September 1, 2019 [~~2017~~].

2-3 SECTION 4. The change in law made by this Act to Article  
2-4 [46B.010](#), Code of Criminal Procedure, applies only to a defendant  
2-5 with respect to whom any proceeding under Chapter 46B, Code of  
2-6 Criminal Procedure, is conducted on or after the effective date of  
2-7 this Act.

2-8 SECTION 5. This Act takes effect September 1, 2015.

2-9 \* \* \* \* \*