

1-1 By: Menéndez S.B. No. 1326  
 1-2 (In the Senate - Filed March 11, 2015; March 18, 2015, read  
 1-3 first time and referred to Committee on Criminal Justice;  
 1-4 April 20, 2015, reported favorably by the following vote: Yeas 6,  
 1-5 Nays 0; April 20, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the maximum cumulative period allowed for restoration  
 1-18 of a defendant's competency to stand trial and to certain time  
 1-19 credits awarded against that cumulative period.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Article 46B.0095, Code of Criminal Procedure, is  
 1-22 amended by adding Subsection (e) to read as follows:

1-23 (e) In addition to the time credit awarded under Subsection  
 1-24 (d), the court may credit to the cumulative period described by  
 1-25 Subsection (a) any good conduct time the defendant may have been  
 1-26 granted under Article 42.032 in relation to the defendant's  
 1-27 confinement as described by Subsection (d).

1-28 SECTION 2. Article 46B.010, Code of Criminal Procedure, as  
 1-29 amended by Chapters 718 (H.B. 748) and 822 (H.B. 2725), Acts of the  
 1-30 82nd Legislature, Regular Session, 2011, is reenacted to read as  
 1-31 follows:

1-32 Art. 46B.010. MANDATORY DISMISSAL OF MISDEMEANOR CHARGES.  
 1-33 If a court orders that a defendant charged with a misdemeanor  
 1-34 punishable by confinement be committed to a mental hospital or  
 1-35 other inpatient or residential facility, participate in an  
 1-36 outpatient treatment program, or be subjected to both inpatient and  
 1-37 outpatient treatment, and the defendant is not tried before the  
 1-38 expiration of the maximum period of restoration described by  
 1-39 Article 46B.0095:

1-40 (1) on the motion of the attorney representing the  
 1-41 state, the court shall dismiss the charge; or

1-42 (2) on the motion of the attorney representing the  
 1-43 defendant and notice to the attorney representing the state, the  
 1-44 court ~~shall~~:

1-45 (A) shall set the matter to be heard not later  
 1-46 than the 10th day after the date of filing of the motion; and

1-47 (B) may dismiss the charge on a finding that the  
 1-48 defendant was not tried before the expiration of the maximum period  
 1-49 of restoration.

1-50 SECTION 3. Article 46B.0095(d), Code of Criminal Procedure,  
 1-51 as added by Chapter 718 (H.B. 748), Acts of the 82nd Legislature,  
 1-52 Regular Session, 2011, is repealed.

1-53 SECTION 4. The change in law made by this Act applies only  
 1-54 to a defendant with respect to whom any proceeding under Chapter  
 1-55 46B, Code of Criminal Procedure, is conducted on or after the  
 1-56 effective date of this Act.

1-57 SECTION 5. This Act takes effect September 1, 2015.

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