

By: Hinojosa

H.B. No. 479

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the period for transporting a criminal defendant who is
3 found incompetent to stand trial to a facility for competency
4 restoration services.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter D, Chapter 46B, Code of Criminal
7 Procedure, is amended by adding Article 46B.0753 to read as
8 follows:

9 Art. 46B.0753. DEADLINE FOR TRANSFER OF DEFENDANT TO
10 FACILITY. (a) A defendant who under Article 46B.073 is committed
11 to a facility for competency restoration services and placed in the
12 custody of the sheriff or sheriff's deputy in accordance with
13 Article 46B.075 must be transported to the facility providing the
14 services not later than the 21st day following the date the court
15 ordered the commitment.

16 (b) If the facility to which the defendant is committed does
17 not have a space available for the defendant's placement at the time
18 transport is required under Subsection (a), the court that ordered
19 the defendant's commitment shall commit the defendant to another
20 facility providing competency restoration services or a jail-based
21 competency restoration program in accordance with this subchapter.

22 SECTION 2. The change in law made by this Act applies only
23 to a proceeding under Chapter 46B, Code of Criminal Procedure, that
24 commences on or after the effective date of this Act, regardless of

1 when the defendant may have committed the underlying offense for
2 which the defendant became subject to the proceeding.

3 SECTION 3. This Act takes effect September 1, 2023.