

By: Madden

H.B. No. 2194

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the review of the results of competency examinations in
3 criminal cases by the Texas Correctional Office on Offenders with
4 Medical or Mental Impairments.

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

6 SECTION 1. Article 46B.025, Code of Criminal Procedure, is
7 amended by adding Subsection (d) to read as follows:

8 (d) The court shall direct an expert to provide the expert's
9 report to the court and the appropriate parties in the form approved
10 by the Texas Correctional Office on Offenders with Medical or
11 Mental Impairments under Section 614.0032(b), Health and Safety
12 Code.

13 SECTION 2. Article 46B.026, Code of Criminal Procedure, is
14 amended by adding Subsection (c) to read as follows:

15 (c) As soon as practicable after the court receives a report
16 under this article, the court shall forward the report to the Texas
17 Correctional Office on Offenders with Medical or Mental Impairments
18 to enable that office to discharge its duties under Section
19 614.0032(b), Health and Safety Code.

20 SECTION 3. Section 614.0032(b), Health and Safety Code, is
21 amended to read as follows:

22 (b) The office, with the special assistance of committee
23 members appointed under Section 614.002(b)(1), shall review
24 examinations to determine the competency of defendants in criminal

1 cases to stand trial and periodically shall report findings made as
2 a result of the review to the legislature and the court of criminal
3 appeals. The office shall approve and make generally available in
4 electronic format a standard form for use by experts in reporting
5 competency examination results under Chapter 46B, Code of Criminal
6 Procedure.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2005.