

1-1 By: Madden (Senate Sponsor - Whitmire) H.B. No. 2194
1-2 (In the Senate - Received from the House April 20, 2005;
1-3 April 21, 2005, read first time and referred to Committee on
1-4 Criminal Justice; May 18, 2005, reported favorably by the
1-5 following vote: Yeas 5, Nays 0; May 18, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the review of the results of competency examinations in
1-9 criminal cases by the Texas Correctional Office on Offenders with
1-10 Medical or Mental Impairments.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Article 46B.025, Code of Criminal Procedure, is
1-13 amended by adding Subsection (d) to read as follows:

1-14 (d) The court shall direct an expert to provide the expert's
1-15 report to the court and the appropriate parties in the form approved
1-16 by the Texas Correctional Office on Offenders with Medical or
1-17 Mental Impairments under Section 614.0032(b), Health and Safety
1-18 Code.

1-19 SECTION 2. Article 46B.026, Code of Criminal Procedure, is
1-20 amended by adding Subsection (c) to read as follows:

1-21 (c) As soon as practicable after the court receives a report
1-22 under this article, the court shall forward the report to the Texas
1-23 Correctional Office on Offenders with Medical or Mental Impairments
1-24 to enable that office to discharge its duties under Section
1-25 614.0032(b), Health and Safety Code.

1-26 SECTION 3. Section 614.0032(b), Health and Safety Code, is
1-27 amended to read as follows:

1-28 (b) The office, with the special assistance of committee
1-29 members appointed under Section 614.002(b)(1), shall review
1-30 examinations to determine the competency of defendants in criminal
1-31 cases to stand trial and periodically shall report findings made as
1-32 a result of the review to the legislature and the court of criminal
1-33 appeals. The office shall approve and make generally available in
1-34 electronic format a standard form for use by experts in reporting
1-35 competency examination results under Chapter 46B, Code of Criminal
1-36 Procedure.

1-37 SECTION 4. This Act takes effect immediately if it receives
1-38 a vote of two-thirds of all the members elected to each house, as
1-39 provided by Section 39, Article III, Texas Constitution. If this
1-40 Act does not receive the vote necessary for immediate effect, this
1-41 Act takes effect September 1, 2005.

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