

BILL ANALYSIS

H.B. 431
By: Madden
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The October 2006 Sunset Advisory Commission staff report on the Texas Department of Criminal Justice (TDCJ) found that district judges lack clear statutory authority to consider the release of state jail confines. The report recommends that these judges be authorized to permit the early release of state jail confines who no longer pose a threat to public safety due to their medical conditions, and that the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) be required to identify and recommend state jail confines who are eligible for early medical release.

Without clear authority, TDCJ cannot develop a consistent process to ensure that eligible state jail confines are reviewed and considered for early medical release. Such a process would maximize the benefits of medical release and lower state medical costs.

HB 431 authorizes judges to release certain state jail felony defendants onto medically recommended intensive supervision, and sets forth a provision requiring TCOOMMI to periodically identify state jail defendants suitable for early medical release.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

HB 431 provides that if a defendant is convicted of a state jail felony and the sentence is executed, the judge sentencing the defendant may release the defendant to a medical care facility if the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI): (1) identifies the defendant as being elderly, physically disabled, mentally ill, terminally ill, or mentally retarded or having a condition requiring long-term care and (2) in cooperation with the community supervision and corrections department serving the sentencing court, prepares for the defendant a medically recommended intensive supervision plan. This supervision plan must ensure appropriate supervision of the defendant and require the defendant to remain under the care of a physician at the facility.

HB 431 also provides that if a defendant released to a medical care facility under Article 42.12, Section 15, Subsection (i), Code of Criminal Procedure, violates the terms of that release, the judge may dispose of the matter as provided by Subsections (e) and (f) (1) of Article 42.12, Section 15, Code of Criminal Procedure.

HB 431 amends the Health and Safety Code to require that TCOOMMI periodically identify state jail felony defendants for release under Section 15 (i), Article 42.12, Code of Criminal Procedure, and perform other duties imposed on the office by that section.

EFFECTIVE DATE

September 1, 2007.

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