

By: Madden, McClendon

H.B. No. 431

A BILL TO BE ENTITLED

AN ACT

relating to the release of a defendant convicted of a state jail felony on medically recommended intensive supervision.

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

SECTION 1. Section 15, Article 42.12, Code of Criminal Procedure, is amended by adding Subsections (i) and (j) to read as follows:

(i) 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 or medical treatment program if the Texas Correctional Office on Offenders with Medical or Mental Impairments:

(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 that:

(A) ensures appropriate supervision of the defendant; and

(B) requires the defendant to remain under the care of a physician at the facility or in the program.

(j) If a defendant released to a medical care facility or

1 medical treatment program under Subsection (i) violates the terms
2 of that release, the judge may dispose of the matter as provided by
3 Subsections (e) and (f)(1).

4 SECTION 2. Section 614.0032(a), Health and Safety Code, is
5 amended to read as follows:

6 (a) The office shall:

7 (1) perform duties imposed on the office by Section
8 508.146, Government Code; and

9 (2) periodically identify state jail felony
10 defendants suitable for release under Section 15(i), Article 42.12,
11 Code of Criminal Procedure, and perform other duties imposed on the
12 office by that section.

13 SECTION 3. This Act takes effect September 1, 2007.