

By: Madden

H.B. No. 431

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

8 (i) If a defendant is convicted of a state jail felony and  
9 the sentence is executed, the judge sentencing the defendant may  
10 release the defendant to a medical care facility if the Texas  
11 Correctional Office on Offenders with Medical or Mental  
12 Impairments:

13 (1) identifies the defendant as being elderly,  
14 physically disabled, mentally ill, terminally ill, or mentally  
15 retarded or having a condition requiring long-term care; and

16 (2) in cooperation with the community supervision and  
17 corrections department serving the sentencing court, prepares for  
18 the defendant a medically recommended intensive supervision plan  
19 that:

20 (A) ensures appropriate supervision of the  
21 defendant; and

22 (B) requires the defendant to remain under the  
23 care of a physician at the facility.

24 (j) If a defendant released to a medical care facility under

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

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

5 (a) The office shall:

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

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

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