

1-1 By: Madden, McClendon (Senate Sponsor - Whitmire) H.B. No. 431
1-2 (In the Senate - Received from the House May 11, 2007;
1-3 May 15, 2007, read first time and referred to Committee on Criminal
1-4 Justice; May 18, 2007, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; May 18, 2007, sent to printer.)

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

1-8 relating to the release of a defendant convicted of a state jail
1-9 felony on medically recommended intensive supervision.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 15, Article 42.12, Code of Criminal
1-12 Procedure, is amended by adding Subsections (i) and (j) to read as
1-13 follows:

1-14 (i) If a defendant is convicted of a state jail felony and
1-15 the sentence is executed, the judge sentencing the defendant may
1-16 release the defendant to a medical care facility or medical
1-17 treatment program if the Texas Correctional Office on Offenders
1-18 with Medical or Mental Impairments:

1-19 (1) identifies the defendant as being elderly,
1-20 physically disabled, mentally ill, terminally ill, or mentally
1-21 retarded or having a condition requiring long-term care; and

1-22 (2) in cooperation with the community supervision and
1-23 corrections department serving the sentencing court, prepares for
1-24 the defendant a medically recommended intensive supervision plan
1-25 that:

1-26 (A) ensures appropriate supervision of the
1-27 defendant; and

1-28 (B) requires the defendant to remain under the
1-29 care of a physician at the facility or in the program.

1-30 (j) If a defendant released to a medical care facility or
1-31 medical treatment program under Subsection (i) violates the terms
1-32 of that release, the judge may dispose of the matter as provided by
1-33 Subsections (e) and (f)(1).

1-34 SECTION 2. Section 614.0032(a), Health and Safety Code, is
1-35 amended to read as follows:

1-36 (a) The office shall:

1-37 (1) perform duties imposed on the office by Section
1-38 508.146, Government Code; and

1-39 (2) periodically identify state jail felony
1-40 defendants suitable for release under Section 15(i), Article 42.12,
1-41 Code of Criminal Procedure, and perform other duties imposed on the
1-42 office by that section.

1-43 SECTION 3. This Act takes effect September 1, 2007.

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