

By: Deuell

S.B. No. 441

A BILL TO BE ENTITLED

AN ACT

relating to procedures occurring after a determination of a defendant's incompetency to stand trial.

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

SECTION 1. Article 46B.079(b), Code of Criminal Procedure, is amended to read as follows:

(b) A defendant committed under this subchapter whose term of commitment has not yet expired shall be returned to the committing court as soon as practicable after the 10th [~~15th~~] day following the date on which the parties receive service on any report filed under Article 46B.080(b) regarding the defendant's ability to attain competency, except that, if a party objects to the findings of the report and the issue is set for a hearing under Article 46B.084, the defendant may not be returned to the committing court earlier than 72 hours before the date the hearing is scheduled.

SECTION 2. Article 46B.082(b), Code of Criminal Procedure, is amended to read as follows:

(b) If a defendant committed to a maximum security unit of a facility of the department has not been transported from the unit before the 10th [~~15th~~] day after the date on which the court received notification under Article 46B.080(a), the head of that facility shall cause the defendant to be promptly transported to the committing court and placed in the custody of the sheriff of the

1 county in which the committing court is located. The county in  
2 which the committing court is located shall reimburse the  
3 department for the mileage and per diem expenses of the personnel  
4 required to transport the defendant, calculated in accordance with  
5 rates provided in the General Appropriations Act for state  
6 employees.

7 SECTION 3. Article 46B.084(c), Code of Criminal Procedure,  
8 is amended to read as follows:

9 (c) The hearing shall be held not later than the 20th day  
10 after [~~within 30 days following~~] the date of objection unless  
11 continued for good cause for a period not to exceed 20 [~~30~~] days.

12 SECTION 4. The change in law made by this Act applies only  
13 to a defendant charged with an offense committed on or after the  
14 effective date of this Act. A defendant charged with an offense  
15 committed before the effective date of this Act is covered by the  
16 law in effect when the offense was committed, and the former law is  
17 continued in effect for that purpose. For purposes of this section,  
18 an offense was committed before the effective date of this Act if  
19 any element of the offense was committed before that date.

20 SECTION 5. This Act takes effect September 1, 2007.