

Amend CSHB 2725 (senate committee printing) as follows:

(1) In SECTION 20 of the bill (page 7, line 43), strike "The change in law" and substitute "(a) Except as provided by Subsection (b) of this section, the change in law".

(2) Between SECTIONS 20 and 21 of the bill (page 7, between lines 46 and 47), insert the following:

(b) Article 46B.004(c-1), Code of Criminal Procedure, as added by this Act, applies only to a motion suggesting a defendant's incompetency to stand trial made on or after the effective date of this Act. A motion suggesting a defendant's incompetency to stand trial made before the effective date of this Act is covered by the law in effect when the motion was made, and the former law is continued in effect for that purpose.

(3) Add the following appropriately numbered SECTION to the bill and renumber existing SECTIONS of the bill accordingly:

SECTION _____. Article 46B.004, Code of Criminal Procedure, is amended by adding Subsection (c-1) to read as follows:

(c-1) A suggestion of incompetency is the threshold requirement for an informal inquiry under Subsection (c) and may consist solely of a representation from any credible source that the defendant may be incompetent. A further evidentiary showing is not required to initiate the inquiry, and the court is not required to have a bona fide doubt about the competency of the defendant. Evidence suggesting the need for an informal inquiry may be based on observations made in relation to one or more of the factors described by Article 46B.024 or on any other indication that the defendant is incompetent within the meaning of Article 46B.003.