

BILL ANALYSIS

H.B. 2124
By: Workman
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, when a person is acquitted by reason of insanity, the person remains under the jurisdiction of the court. In many cases, the person is committed to patient care in a state hospital. When the acquitted person is released, the clerk of the releasing court provides the victim's name and contact information to the Texas Department of Criminal Justice (TDCJ) victim services division so the division can notify the victim or the victim's guardian or close relative of the release. Unnecessary delays in this notification may occur if the person was not in a TDCJ facility and the victim services division must rely on the court to provide the patient information and victim contact information. If a victim wants additional information, the victim services division must refer the recipients of the notification to the court supervising the person.

To prevent a possible delay in victim notification, H.B. 2124 gives victim contact information to the head of the releasing facility or the person responsible for administering a regimen of outpatient or community-based care so those persons can notify the victim of the release.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2124 transfers Section 4(d)(8), Article 46.03, Code of Criminal Procedure, to Subchapter A, Chapter 46C, Code of Criminal Procedure, redesignates that provision as Article 46C.003, and amends that provision to require a clerk of a court, on issuance of an order requiring the release of a person acquitted by reason of insanity on discharge or on a regimen of outpatient care, to provide to the head of the facility to which the acquitted person was committed or placed or to the person responsible for administering a regimen of outpatient or community-based treatment and supervision, rather than to the Texas Department of Criminal Justice victim services division, certain contact information for the victim for purposes of notifying the victim or the victim's guardian or close relative of the release. The bill specifies that the requirement to provide that notification applies on receipt of the contact information. The bill makes conforming changes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.