

By: McClendon

H.B. No. 2573

A BILL TO BE ENTITLED

AN ACT

1
2 relating to making certain incompetency proceedings available for
3 proceedings held to revoke community supervision granted to a
4 defendant in a criminal case.

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

6 SECTION 1. Article 46B.002, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 46B.002. APPLICABILITY. (a) This chapter applies
9 only to the criminal prosecution of a defendant who is charged with
10 a felony or with a misdemeanor punishable by confinement and
11 includes any proceedings in the case that relate to a revocation of
12 deferred adjudication community supervision under Section 5(b),
13 Article 42.12.

14 (b) Notwithstanding Subsection (a), the procedures provided
15 by this chapter are also available with respect to proceedings that
16 are held under Section 21, Article 42.12, to revoke the community
17 supervision of a defendant who, after restoration of the
18 defendant's competency, was convicted on a felony or misdemeanor
19 charge described by Subsection (a).

20 SECTION 2. Article 46B.079, Code of Criminal Procedure, is
21 amended by adding Subsection (e) to read as follows:

22 (e)(1) This subsection applies only to a defendant who is
23 subject to this chapter under Article 46B.002(b) and who,
24 immediately before the most recent determination of incompetency

1 under this chapter, was serving a term of community supervision
2 after conviction of a felony offense.

3 (2) For each defendant to whom this subsection
4 applies, the head of the facility or outpatient treatment program
5 provider, as appropriate, shall provide notice under Subsection (a)
6 or (b) to the community supervision and corrections department
7 responsible for supervising the defendant. The notice must be
8 provided at the same time the notice is provided to the court under
9 those subsections.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2013.