

BILL ANALYSIS

H.B. 211
By: Rose
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is concern that current law does not adequately address the time frame in which criminal proceedings may be resumed after a defendant who was determined to be incompetent to stand trial has subsequently been found competent to stand trial. H.B. 211 seeks to facilitate efficiency within the criminal justice system by remedying this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 211 amends the Code of Criminal Procedure to require a court, not later than the next business day following the return of a defendant to the court after a prior determination of incompetency to stand trial, to notify the attorney representing the state and the attorney for the defendant regarding the return. The bill requires the attorney for the defendant, within three business days of receiving such notice, to meet and confer with the defendant to evaluate whether there is any suggestion that the defendant has not yet regained competency. The bill changes the deadline by which a court, following the defendant's return to the court, is required to make a determination with regard to the defendant's competency to stand trial from not later than the 20th day after the date on which the court received certain notification from the defendant's treatment provider to the earlier of that date of receipt or not later than the fifth day after the date of the defendant's return to court.

H.B. 211 requires, rather than authorizes, the criminal proceedings in a case against a defendant who is found competent to stand trial following a return to court to be resumed, requires the resumption to be on the court's own motion, and establishes the 14th day after the date of the court's determination that the defendant's competency has been restored as the deadline for the resumption. The bill establishes that statutory provisions regarding the return to court of a defendant after a prior determination of incompetency to stand trial do not require the criminal case to be finally resolved within any specific period.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.