

By: Riddle, Rose

H.B. No. 2302

A BILL TO BE ENTITLED

AN ACT

relating to the mandatory dismissal of misdemeanor charges against certain defendants determined to be incompetent to stand trial.

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

SECTION 1. Article 46B.010, Code of Criminal Procedure, as amended by Chapters 718 (H.B. 748) and 822 (H.B. 2725), Acts of the 82nd Legislature, Regular Session, 2011, is reenacted to read as follows:

Art. 46B.010. MANDATORY DISMISSAL OF MISDEMEANOR CHARGES. If a court orders that a defendant charged with a misdemeanor punishable by confinement be committed to a mental hospital or other inpatient or residential facility, participate in an outpatient treatment program, or be subjected to both inpatient and outpatient treatment, and the defendant is not tried before the expiration of the maximum period of restoration described by Article 46B.0095:

(1) on the motion of the attorney representing the state, the court shall dismiss the charge; or

(2) on the motion of the attorney representing the defendant, the court shall:

(A) set the matter to be heard not later than the 10th day after the date of filing of the motion; and

(B) dismiss the charge on a finding that the defendant was not tried before the expiration of the maximum period

1 of restoration.

2           SECTION 2. The change in law made by this Act applies only  
3 to a defendant with respect to whom any proceeding under Chapter  
4 46B, Code of Criminal Procedure, is conducted on or after the  
5 effective date of this Act.

6           SECTION 3. This Act takes effect September 1, 2015.