

By: Riddle

H.B. No. 2302

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the mandatory dismissal of misdemeanor charges against  
3 certain defendants determined to be incompetent to stand trial.

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

5 SECTION 1. Article [46B.010](#), Code of Criminal Procedure, as  
6 amended by Chapters 718 (H.B. 748) and 822 (H.B. 2725), Acts of the  
7 82nd Legislature, Regular Session, 2011, is reenacted to read as  
8 follows:

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

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

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

21 (A) set the matter to be heard not later than the  
22 10th day after the date of filing of the motion; and

23 (B) dismiss the charge on a finding that the  
24 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.