

By: Menéndez  
(Herrero)

S.B. No. 1326

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the maximum cumulative period allowed for restoration  
3 of a defendant's competency to stand trial and to certain time  
4 credits awarded against that cumulative period.

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

6 SECTION 1. Article 46B.0095, Code of Criminal Procedure, is  
7 amended by adding Subsection (e) to read as follows:

8 (e) In addition to the time credit awarded under Subsection  
9 (d), the court may credit to the cumulative period described by  
10 Subsection (a) any good conduct time the defendant may have been  
11 granted under Article 42.032 in relation to the defendant's  
12 confinement as described by Subsection (d).

13 SECTION 2. Article 46B.010, Code of Criminal Procedure, as  
14 amended by Chapters 718 (H.B. 748) and 822 (H.B. 2725), Acts of the  
15 82nd Legislature, Regular Session, 2011, is reenacted to read as  
16 follows:

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

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

3           (2) on the motion of the attorney representing the  
4 defendant and notice to the attorney representing the state, the  
5 court [~~shall~~]:

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

8                   (B) may dismiss the charge on a finding that the  
9 defendant was not tried before the expiration of the maximum period  
10 of restoration.

11           SECTION 3. Article [46B.0095](#)(d), Code of Criminal Procedure,  
12 as added by Chapter 718 (H.B. 748), Acts of the 82nd Legislature,  
13 Regular Session, 2011, is repealed.

14           SECTION 4. The change in law made by this Act applies only  
15 to a defendant with respect to whom any proceeding under Chapter  
16 46B, Code of Criminal Procedure, is conducted on or after the  
17 effective date of this Act.

18           SECTION 5. This Act takes effect September 1, 2015.