

By: Zaffirini

S.B. No. 1887

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the period for which a defendant with an intellectual  
3 disability who is found incompetent to stand trial may be civilly  
4 committed before the court holds a hearing to determine whether the  
5 defendant's release is appropriate.

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

7 SECTION 1. Article 46B.107(d), Code of Criminal Procedure,  
8 is amended to read as follows:

9 (d) The court may, on motion of the attorney representing  
10 the state or on its own motion, hold a hearing to determine whether  
11 release is appropriate. For each defendant who is committed to a  
12 residential care facility under Article 46B.103, the court must  
13 hold a hearing under this article at least once annually to  
14 determine whether release is appropriate, regardless of whether the  
15 court has received the notice described by Subsection (b) from the  
16 head of the facility. The court shall determine whether release is  
17 appropriate under the applicable criteria in Subtitle C or D, Title  
18 7, Health and Safety Code. The court may conduct the hearing:

19 (1) at the facility; or

20 (2) by means of an electronic broadcast system as  
21 provided by Article 46B.013.

22 SECTION 2. Section 593.052, Health and Safety Code, is  
23 amended by adding Subsection (b-1) to read as follows:

24 (b-1) For a defendant found incompetent to stand trial and

1 committed under Subchapter E, Chapter 46B, Code of Criminal  
2 Procedure, the order must state that the commitment of the proposed  
3 patient for care, treatment, and training to a state supported  
4 living center is authorized for a period of not more than 12 months.  
5 An order described by this subsection may be renewed for additional  
6 12-month periods only at a hearing described by Article 46B.107(d),  
7 Code of Criminal Procedure.

8 SECTION 3. Subchapter C, Chapter 593, Health and Safety  
9 Code, is amended by adding Section 593.0521 to read as follows:

10 Sec. 593.0521. NOTIFICATION ABOUT ANNUAL HEARING  
11 REQUIREMENT REGARDING CERTAIN PATIENTS. (a) Not later than  
12 September 1, 2016, the Department of Aging and Disability Services  
13 shall send to the applicable committing courts written notification  
14 about the annual hearing requirement, as described by Article  
15 46B.107(d), Code of Criminal Procedure, that applies to each  
16 resident of a state supported living center or the Rio Grande State  
17 Center who has been committed in accordance with Subchapter E,  
18 Chapter 46B, Code of Criminal Procedure.

19 (b) This section expires September 1, 2016.

20 SECTION 4. A court with jurisdiction over a defendant with  
21 an intellectual disability committed to a state supported living  
22 center or the Rio Grande State Center who has been a resident of the  
23 center and against whom charges are still pending in the court  
24 shall, as soon as practicable and not later than September 1, 2016,  
25 hold the hearing required by Article 46B.107(d), Code of Criminal  
26 Procedure, as amended by this Act.

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