

By: Zaffirini

S.B. No. 2125

A BILL TO BE ENTITLED

1 AN ACT

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.103, Code of Criminal Procedure, is  
8 amended by adding Subsection (b-1) to read as follows:

9 (b-1) An order entered by a court under this article must  
10 state that the commitment of the defendant to a residential care  
11 facility for care, treatment, and training is authorized for a  
12 period of not more than 12 months. The order may be renewed for an  
13 additional 12-month-period at a hearing conducted in accordance  
14 with this section.

15 SECTION 2. Article 46B.107(d), Code of Criminal Procedure,  
16 is amended to read as follows:

17 (d) If the court or the state opposes release, the [The]  
18 court shall [~~may, on motion of the attorney representing the state~~  
19 ~~or on its own motion,~~] hold a hearing to determine whether release  
20 is appropriate under the applicable criteria in Subtitle C or D,  
21 Title 7, Health and Safety Code. The court may conduct the hearing:

22 (1) at the facility; or

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

1           SECTION 3. A court with jurisdiction over a defendant with  
2 an intellectual disability committed to a state supported living  
3 center or the Rio Grande State Center who has been a resident of the  
4 center and against whom charges are still pending in the court  
5 shall, as soon as practicable and not later than September 1, 2018,  
6 hold the hearing required by Article [46B.103\(b-1\)](#), Code of Criminal  
7 Procedure, as added by this Act.

8           SECTION 4. This Act takes effect September 1, 2017.