

## **BILL ANALYSIS**

C.S.H.B. 2328  
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Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

State law does not currently define what constitutes a defendant or an inmate being "terminally ill" for purposes of medical release, which may result in inconsistent application of the law. Currently, a judge may release a defendant to a medically appropriate facility after the defendant has been convicted of and sentenced for a state jail felony if the judge finds that the defendant does not constitute a threat to the public interest and is terminally ill and the Texas Correctional Office on Offenders with Medical or Mental Impairments identifies the defendant as being terminally ill. Additionally, certain inmates may be released on medically recommended intensive supervision in certain circumstances if the office identifies them as being terminally ill. C.S.H.B. 2328 seeks to clearly define terminal illness for these purposes.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2328 amends the Code of Criminal Procedure and Government Code to define "terminally ill" as having an incurable illness or condition that is expected to result in death within one year regardless of life-sustaining treatment for purposes of the following provisions:

- statutory provisions relating to the medical release of defendants convicted of a state jail felony; and
- statutory provisions relating to the release on medically recommended intensive supervision of an inmate other than an inmate serving a sentence of death or life without parole.

### **EFFECTIVE DATE**

September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 2328 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a definition of "terminally ill" for purposes of Government Code provisions relating to medically recommended intensive supervision of an inmate, which did not appear in the introduced.