**BILL ANALYSIS**

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| Senate Research Center | H.B. 305 |
| 89R15377 EAS-D | By: Hayes (Cook) |
|  | Criminal Justice |
|  | 5/16/2025 |
|  | Engrossed |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The forensic waitlist for competency restoration services in Texas has reached unprecedented levels. In December 2023, over 2,250 individuals were on the waitlist for a treatment bed—a 247 percent increase since September 2018. A key contributor to this crisis is the cycle of decompensation that occurs when defendants who have been restored to competency remain in county jails without prompt court proceedings. According to the Texas State Auditor's 2024 report on competency restoration services, 341 individuals appeared on the waitlist multiple times for the same charges between 2018 and 2023. This occurs because defendants often decompensate while awaiting court action, necessitating repeated competency restoration services for the same case. Article 46B.084 of the Code of Criminal Procedure establishes procedures for returning restored defendants to court but lacks any specific timeline requirements for conducting pretrial hearings. This statutory vacuum allows indefinite delays between competency restoration and court proceedings. Meanwhile, Texas law already recognizes the critical window following competency restoration by requiring the Texas Correctional Office on Offenders with Medical or Mental Impairments to provide a fixed supply of medication to individuals returning from state hospitals. However, without a corresponding requirement for timely court proceedings, this medication provision alone is insufficient to maintain competency.

H.B. 305 requires that a court conduct the next pretrial hearing for a defendant who has been restored to competency within 14 days of the defendant's restoration. In doing so, H.B. 305 prevents unnecessary decompensation of vulnerable defendants while awaiting trial, reduces the strain on the forensic waitlist by decreasing recidivism in the competency restoration system, conserves county jail resources currently expended on housing decompensated defendants awaiting rerestoration, and promotes efficiency in the criminal justice system by ensuring cases move forward promptly once competency is restored.

The bill passed the house with near unanimous support (unofficial vote total is 136 yeas and 4 nays). There is no known stakeholder opposition.

H.B. 305 amends current law relating to the time period for conducting pretrial hearings after a criminal defendant has been restored to competency.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 46B.084(d-1), Code of Criminal Procedure, to provide that Article 46B.084 (Proceedings on Return of Defendant to Court) does not require the criminal case to be finally resolved within any specific period, except that, in a jurisdiction to which Subsection (d)(1) (relating to requiring that a criminal proceeding in a case against a defendant be resumed not later than the 14th day after competency has been restored) applies, a pretrial hearing on any evidentiary or procedural issue that is required to be resolved for the criminal proceedings in the case to proceed to trial or another resolution that must be conducted not later than the 14th day after the date of the court's determination under this article that the defendant's competency has been restored.

SECTION 2. Effective date: September 1, 2025.