|  |
| --- |
| BILL ANALYSIS |

|  |
| --- |
| C.S.H.B. 305 |
| By: Hayes |
| Criminal Jurisprudence |
| Committee Report (Substituted) |

|  |
| --- |
| **BACKGROUND AND PURPOSE**  When a criminal court deems a defendant incompetent to stand trial, the court will order the defendant to be committed to a state hospital for competency restoration services. Once the court determines the defendant to be competent to stand trial, state law requires proceedings to resume within a certain period of, or in certain counties, as soon as practicable after, that determination. However, according to testimony of the executive director of the Texas Jail Project provided to the House Committee on Criminal Jurisprudence for its March 11 hearing, there have been cases in which defendants restored to competency have experienced delays in their proceedings and reverted to incompetent status while in jail awaiting proceedings. C.S.H.B. 305 seeks to address this issue by requiring a court in certain jurisdictions in such competency restoration cases to conduct a pretrial hearing on certain evidentiary or procedural issues not later than the 14th day after the court's determination that the defendant's competency has been restored. |
| **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. 305 amends the Code of Criminal Procedure to establish that, in a jurisdiction subject to the requirement for criminal proceedings in a case in which a criminal defendant has been restored to competency to resume not later than the 14th day after the date the court determines that the defendant's competency has been restored, a pretrial hearing on any evidentiary or procedural issue that must be resolved for the proceedings to proceed to trial or for another resolution must be conducted not later than the 14th day after such date. |
| **EFFECTIVE DATE**  September 1, 2025. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**  While C.S.H.B. 305 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.  While both the introduced and substitute require a pretrial hearing in a case in which a criminal defendant has been restored to competency to be conducted by a certain day after the date the court determines that the defendant's competency has been restored, the substitute limits the applicability of that requirement as follows, whereas the introduced did not limit the applicability:   * makes the requirement applicable only in a jurisdiction subject to the requirement for criminal proceedings in such a case to resume not later than the 14th day after the court makes the determination; and * makes the requirement applicable only to a pretrial hearing on any evidentiary or procedural issue that must be resolved for the criminal proceedings in the case to proceed to trial or another resolution.   Additionally, the substitute shortens the deadline by which the applicable pretrial hearing must be conducted from not later than the 30th day after the date the court makes the applicable determination, as in the introduced, to not later than the 14th day after the date the court makes that determination. |