

- SUBJECT:** Adjusting rules for criminal cases after competency determinations
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 5 ayes — Herrero, Moody, Leach, Shaheen, Simpson
- 0 nays
- 2 absent — Canales, Hunter
- WITNESSES:** For — Paul Blocker, Dallas County; Elizabeth Valderas, National Alliance on Mental Illness; (*Registered, but did not testify:* Matt Simpson, ACLU of Texas; Seth Mitchell, Bexar County Commissioners Court; Craig Pardue, Dallas County; Charles Reed, Dallas County Commissioners Court; Cate Graziani, Mental Health America of Texas; Greg Hansch, National Alliance on Mental Illness (NAMI) Texas; Will Francis, National Association of Social Workers-Texas Chapter; Josh Gravens, Texas Citizens United for Rehabilitation of Errants (CURE); Yannis Banks, Texas NAACP; Marc Levin, Texas Public Policy Foundation Center for Effective Justice; Alicia Vogel)
- Against — (*Registered, but did not testify:* James Oakley, Burnet County; Jim Allison, County Judges and Commissioners Association of Texas)
- On — Lynda Frost, Hogg Foundation for Mental Health; (*Registered, but did not testify:* Donna Warndof, Harris County)
- BACKGROUND:** Code of Criminal Procedure, art. 46B.084 requires the court to make a determination of whether a defendant is competent to stand trial within 20 days after receiving notice from the head of a health care facility or outpatient treatment program that the defendant is competent to stand trial, or that the defendant is not likely to attain competency in the foreseeable future.
- DIGEST:** HB 211 would require the court to notify the attorney representing the state and the defendant’s attorney of the defendant’s return to the court

after a prior determination of incompetency to stand trial. This would be required no later than the next business day following the return.

Within three days of receiving the notice, the defendant's attorney would be required to meet with the defendant to evaluate whether there was any suggestion that the defendant had not regained competency. The bill would amend the date that a court would be required to make a determination of the defendant's competency to stand trial to within 20 days after notice was received or not later than the fifth day after the date of the defendant's return to court, whichever occurred first.

If a defendant was found competent to stand trial, the bill would require that criminal proceedings resume on the court's own motion within 14 days after the court determined that the defendant's competency had been restored.

This bill would not require that the criminal case be resolved within any specific period.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015, and would apply only to a criminal proceeding that included issues with a defendant's competency to stand trial that began on or after that effective date, regardless of when the defendant committed the underlying offense.