

BILL ANALYSIS

Senate Research Center
77R38 PEP-D

H.B. 434
By: Heflin (Whitmire)
Criminal Justice
5/8/2001
Engrossed

DIGEST AND PURPOSE

Under current Texas law, a trial court is required to review, at least once every 12 months, the continuing need for a defendant acquitted of a criminal offense by reason of insanity to be involuntarily committed for mental health treatment. H.B. 434 authorizes a trial court to transfer to an appropriate court for civil commitment proceedings a defendant acquitted of a criminal offense by reason of insanity who has committed an act, attempt, or threat of serious bodily injury to another person, as determined by the court.

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 Section 4(d)(1), Article 46.03, Code of Criminal Procedure, as follows:

(1) Civil Commitment or Automatic Commitment for Evaluation. Authorizes the trial court, if a defendant is found not guilty by reason of insanity in the trial of a criminal offense and the court determines that the defendant committed an act, attempt, or threat of serious bodily injury to another person, to transfer the defendant to the appropriate court for civil commitment proceedings on receipt of that court's written consent to the transfer or to retain jurisdiction over the defendant as provided by this subdivision. Requires a trial court that transfers a defendant to the appropriate court for civil commitment proceedings to order the defendant detained in jail or other suitable place pending the initiation of appropriate civil proceedings. Requires a trial court that does not transfer a defendant to the appropriate court for civil commitment proceedings under this subdivision to retain jurisdiction over the defendant and to proceed as provided by this subsection. Requires the court to order the defendant, rather than such person, to be committed to the maximum security unit of any facility designated by the Texas Department of Mental Health and Mental Retardation until such time as the defendant is eligible for release pursuant to this subsection or is eligible for transfer to a nonsecurity facility pursuant to Subsection (b) of this section. Deletes existing text regarding certain persons.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.