

By: Jones of Harris

H.B. No. 476

Substitute the following for H.B. No. 476:

By: Moody

C.S.H.B. No. 476

A BILL TO BE ENTITLED

AN ACT

relating to the release of certain defendants detained in jail pending trial.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.1511 to read as follows:

Art. 17.1511. RELEASE OF DEFENDANT DETAINED LONGER THAN POTENTIAL PUNISHMENT. (a) Notwithstanding any other law and except as provided by Subsection (b), a defendant charged with an offense may not be detained in jail pending trial for a cumulative period that, when considering the maximum credit toward the defendant's sentence to which the defendant would be entitled to earn as a result of the defendant's conduct while confined in the county jail of the county in which the offense occurred, exceeds the maximum term of confinement that may be imposed on conviction of the offense of which the defendant is accused.

(b) This article does not apply to a defendant who is:

(1) being evaluated for competency or subject to an order of commitment issued under Chapter 46B; or

(2) charged with:

(A) a Class C misdemeanor under Section 49.02, Penal Code, and no other offense; or

(B) any other Class C misdemeanor, if the defendant is also being detained due to an outstanding warrant for

1 any offense.

2           SECTION 2. The change in law made by this Act applies only  
3 to a person who is arrested on or after the effective date of this  
4 Act. A person arrested before the effective date of this Act is  
5 governed by the law in effect on the date the person was arrested,  
6 and the former law is continued in effect for that purpose.

7           SECTION 3. This Act takes effect September 1, 2023.