

By: Hinojosa, Hayes, Kacal

H.B. No. 479

Substitute the following for H.B. No. 479:

By: Herrero

C.S.H.B. No. 479

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the period for transporting a criminal defendant who is
3 found incompetent to stand trial to a facility for competency
4 restoration services and to the compensation to the county for the
5 costs of confinement occurring after that period.

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

7 SECTION 1. Subchapter D, Chapter 46B, Code of Criminal
8 Procedure, is amended by adding Article 46B.0753 to read as
9 follows:

10 Art. 46B.0753. TRANSFER TO COMMISSION; COMPENSATION TO
11 COUNTIES. (a) The commission shall take custody of a defendant
12 awaiting transfer to a mental health facility operated by or under
13 contract with the commission not later than the 21st day following
14 the date the court delivered a signed order of commitment under
15 Article 46B.076.

16 (b) If the commission does not take custody of a defendant
17 within the period prescribed by Subsection (a), the commission
18 shall:

19 (1) evaluate the overall health of the defendant in
20 person at least once a week until the defendant is transferred to
21 the appropriate mental health facility; and

22 (2) compensate the county for the cost of confinement
23 for each day that the defendant remains confined in the county jail
24 following the expiration of that period.

1 (c) The compensation described by Subsection (b)(2) must be
2 equal to the amount that would have been incurred by the commission
3 to confine the defendant for that period.

4 SECTION 2. (a) The change in law made by this Act applies to
5 a defendant for whom an order of commitment is issued before, on, or
6 after the effective date of this Act.

7 (b) Notwithstanding Article 46B.0753(a), Code of Criminal
8 Procedure, as added by this Act, for a defendant who, on the
9 effective date of this Act, is confined in a county jail and
10 awaiting transfer to a mental health facility under an order of
11 commitment, the 21-day period provided by that subsection for the
12 Health and Human Services Commission to take custody of the
13 defendant begins on the effective date of this Act.

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