

By: Harless, Spiller, Herrero, Swanson,
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H.B. No. 1563

A BILL TO BE ENTITLED

AN ACT

relating to the confinement in a county jail of a person pending a transfer to the Texas Department of Criminal Justice and to the compensation for certain costs of confinement.

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

SECTION 1. Section 499.071, Government Code, is amended to read as follows:

Sec. 499.071. SCHEDULED ADMISSIONS POLICY. The board shall adopt and enforce a scheduled admissions policy that requires ~~[permits]~~ the department ~~[institutional division]~~ to accept persons ~~[inmates]~~ within 45 days of processing as required by Section 499.1215 ~~[499.121(c)]~~.

SECTION 2. Subchapter F, Chapter 499, Government Code, is amended by adding Section 499.1215 to read as follows:

Sec. 499.1215. TRANSFER TO DEPARTMENT; COMPENSATION TO COUNTIES. (a) The department shall accept custody of a person awaiting transfer to the department following conviction of a felony, including a state jail felony, not later than the 45th day following the date on which all documents required by Sections 8(a) and (c), Article 42.09, Code of Criminal Procedure, have been received by the department and certified as provided by Section 8(b) of that article.

(b) Except as provided by Subsection (c), if the department does not take custody of a person within the period prescribed by

1 Subsection (a), the department shall compensate the county for the
2 cost of confinement for each day that the person remains confined in
3 the county jail following the expiration of that period. The
4 compensation must be equal to the amount that would have been
5 incurred by the department to confine the person for that period.

6 (c) If a person remains confined in the county jail
7 following the expiration of the period prescribed by Subsection (a)
8 due to a delay caused by the county:

9 (1) the county is not entitled to compensation under
10 Subsection (b) for any day that the person remains confined due to
11 the delay caused by the county; and

12 (2) the county and the department shall arrange to
13 transfer the person to the department as soon as practicable after
14 the delay.

15 SECTION 3. Section 8(b), Article 42.09, Code of Criminal
16 Procedure, is amended to read as follows:

17 (b) The Texas Department of Criminal Justice shall not take
18 a defendant into custody under this article until the designated
19 officer receives the documents required by Subsections (a) and (c)
20 of this section and determines that the documents do not contain any
21 errors or deficiencies requiring corrective action by the county.
22 If the designated officer determines the documents do not require
23 any corrective action, the [The] designated officer shall certify
24 under the seal of the department the documents received under
25 Subsections (a) and (c) of this section. A document certified under
26 this subsection is self-authenticated for the purposes of Rules 901
27 and 902, Texas Rules of Evidence.

1 SECTION 4. Section 499.121(c), Government Code, is
2 repealed.

3 SECTION 5. Not later than December 31, 2023, the Texas Board
4 of Criminal Justice shall adopt the scheduled admissions policy
5 required by Section 499.071, Government Code, as amended by this
6 Act.

7 SECTION 6. Section 499.1215, Government Code, as added by
8 this Act, applies only to compensation to a county for the cost of
9 confinement of a person that occurs on or after January 1, 2024,
10 regardless of whether the requirements under that section for
11 transfer of the person to the Texas Department of Criminal Justice
12 are completed before, on, or after that date.

13 SECTION 7. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2023.