

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 compensation to a county 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:

(1) review documents received under Section 8(a) or (c), Article 42.09, Code of Criminal Procedure, and certify the documents or notify the county that the documents require corrective action within the time period required by Section 8(b) of that article; and

(2) accept persons ~~[inmates]~~ within the time period ~~[45 days of processing as]~~ required by Section 499.1215(b) ~~[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) In this section, "cost of confinement" means the amount that would have been incurred by the department to confine a person. The term does not include costs for medical, behavioral, or

1 pharmaceutical care.

2 (b) The department shall take custody of a person awaiting
3 transfer to the department following conviction of a felony and
4 sentencing to death or to a term of imprisonment in the department
5 or confinement in a state jail not later than the 45th day following
6 the date on which all documents required by Sections 8(a) and (c),
7 Article 42.09, Code of Criminal Procedure, have been certified as
8 required by Section 8(b) of that article.

9 (c) If the department does not take custody of a person
10 within the period prescribed by Subsection (b), the department
11 shall compensate the county for the cost of confinement for each day
12 the person remains confined in the county jail following the
13 expiration of that period.

14 (d) If a person remains confined in the county jail
15 following the expiration of the period prescribed by Subsection (b)
16 due to a delay caused by the county:

17 (1) the county is not entitled to compensation under
18 Subsection (c) for any day that the person remains confined due to
19 the delay caused by the county; and

20 (2) the county and the department shall arrange to
21 transfer the person to the department as soon as practicable after
22 the delay.

23 SECTION 3. Section 8, Article 42.09, Code of Criminal
24 Procedure, is amended by amending Subsection (b) and adding
25 Subsection (b-1) to read as follows:

26 (b) The Texas Department of Criminal Justice shall not take
27 a defendant into custody under this article until the designated

1 officer receives the documents required by Subsections (a) and (c)
2 of this section and determines that the documents do not contain any
3 errors or deficiencies requiring corrective action by the county.
4 Not later than the fifth business day after the date of receipt of
5 ~~[The designated officer shall certify under the seal of the~~
6 ~~department]~~ the documents, the designated officer shall:

7 (1) certify the documents under the seal of the
8 department if the designated officer determines the documents do
9 not require any corrective action; or

10 (2) notify the county that the designated officer has
11 determined that the documents require corrective action ~~[received~~
12 ~~under Subsections (a) and (c) of this section].~~

13 (b-1) A document certified under Subsection (b) ~~[this~~
14 ~~subsection]~~ is self-authenticated for the purposes of Rules 901 and
15 902, Texas Rules of Evidence.

16 SECTION 4. Section [499.121\(c\)](#), Government Code, is
17 repealed.

18 SECTION 5. Not later than September 30, 2023, the Texas
19 Board of Criminal Justice shall adopt the scheduled admissions
20 policy required by Section [499.071](#), Government Code, as amended by
21 this Act.

22 SECTION 6. Section [499.1215](#), Government Code, as added by
23 this Act, applies only to compensation to a county for the costs
24 described by that section related to the confinement of a person
25 that occurs on or after October 1, 2023, regardless of whether the
26 requirements under that section for transfer of the person to the
27 Texas Department of Criminal Justice are completed before, on, or

1 after that date.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 2620 was passed by the House on April 21, 2023, by the following vote: Yeas 139, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2620 on May 25, 2023, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2620 was passed by the Senate, with amendments, on May 21, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor