

By: Geren, Herrero, et al.

H.B. No. 2620

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the confinement in a county jail of a person pending a
3 transfer to the Texas Department of Criminal Justice and to
4 compensation to a county for certain costs of confinement.

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

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

8 Sec. 499.071. SCHEDULED ADMISSIONS POLICY. The board shall
9 adopt and enforce a scheduled admissions policy that requires
10 ~~[permits]~~ the department ~~[institutional division]~~ to:

11 (1) review and certify documents delivered to the
12 department as required by Section 8(b), Article 42.09, Code of
13 Criminal Procedure, not later than the third day after the date of
14 receiving the documents; and

15 (2) accept persons ~~[inmates]~~ within the time period
16 ~~[45 days of processing as]~~ required by Section 499.1215(b)
17 ~~[499.121(c)].~~

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

20 Sec. 499.1215. TRANSFER TO DEPARTMENT; COMPENSATION TO
21 COUNTIES. (a) In this section, "cost of confinement" means the
22 cost to the county for a person's confinement based on the average
23 daily cost of confining a person in the county jail, as determined
24 by the commissioners court of the county.

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

7 (c) If the department does not take custody of a person
8 within the period prescribed by Subsection (b), the department
9 shall compensate the county in an amount equal to the sum of:

10 (1) 125 percent of the cost of confinement for each day
11 that the person remains confined in the county jail following the
12 expiration of the period prescribed by Subsection (b);

13 (2) the cost of confinement for each day for the period
14 beginning on the date on which the department received the
15 documents required by Sections 8(a) and (c), Article 42.09, Code of
16 Criminal Procedure, and ending on the date on which the department
17 certified the documents as provided by Section 8(b) of that
18 article; and

19 (3) the cost to the county for all medical, behavioral
20 health, and pharmaceutical care provided to the person while
21 confined beginning on the date on which the department received the
22 documents required by Sections 8(a) and (c), Article 42.09, Code of
23 Criminal Procedure.

24 SECTION 3. Section 499.121(c), Government Code, is
25 repealed.

26 SECTION 4. Not later than September 30, 2023, the Texas
27 Board of Criminal Justice shall adopt the scheduled admissions

1 policy required by Section 499.071, Government Code, as amended by
2 this Act.

3 SECTION 5. Section 499.1215, Government Code, as added by
4 this Act, applies only to compensation to a county for the costs
5 described by that section related to the confinement of a person
6 that occurs on or after October 1, 2023, regardless of whether the
7 requirements under that section for transfer of the person to the
8 Texas Department of Criminal Justice are completed before, on, or
9 after that date.

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