

By: Frank, Murr, Sherman, Sr.

H.B. No. 3363

Substitute the following for H.B. No. 3363:

By: Herrero

C.S.H.B. No. 3363

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the confinement or detention of certain individuals in
3 a county jail or other facility operated by or for the county and to
4 the compensation to the county for the costs of that confinement or
5 detention.

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

7 SECTION 1. Subchapter A, Chapter 46B, Code of Criminal
8 Procedure, is amended by adding Article 46B.014 to read as follows:

9 Art. 46B.014. TRANSFER TO COMMISSION; COMPENSATION TO
10 COUNTIES. (a) The commission shall take custody of a defendant
11 awaiting transfer under an order issued under Article 46B.073 to a
12 facility operated by or under contract with the commission, not
13 later than the 45th day following the date the order is issued.

14 (b) If the commission does not take custody of a defendant
15 within the period prescribed by Subsection (a), the commission
16 shall compensate the county for the cost of confinement for each day
17 that the defendant remains confined in the county jail following
18 the expiration of that period. The compensation must be equal to
19 the amount that would have been incurred by the commission to
20 confine the defendant for that period.

21 SECTION 2. Section 54.04, Family Code, is amended by adding
22 Subsections (s) and (t) to read as follows:

23 (s) If the judge orders a disposition under this section
24 sentencing a child to commitment in the Texas Juvenile Justice

1 Department, the department shall accept custody of the child not
2 later than the 45th day after the date on which the judge signs the
3 disposition order committing the child to the department.

4 (t) If the Texas Juvenile Justice Department does not take
5 custody of a child within the period prescribed by Subsection (s),
6 the department shall compensate the county for the cost of
7 detention for each day that the child remains detained in a facility
8 operated by or under contract with the county following the
9 expiration of that period. The compensation must be equal to the
10 amount that would have been incurred by the department to detain the
11 child for that period.

12 SECTION 3. Section 499.071, Government Code, is amended to
13 read as follows:

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

19 SECTION 4. Subchapter F, Chapter 499, Government Code, is
20 amended by adding Section 499.1215 to read as follows:

21 Sec. 499.1215. TRANSFER TO DEPARTMENT; COMPENSATION TO
22 COUNTIES. (a) The department shall take custody of a person
23 awaiting transfer to the department following conviction of a
24 felony not later than the 45th day following the date on which all
25 processing required for transfer has been completed.

26 (b) If the department does not take custody of a person
27 within the period prescribed by Subsection (a), the department

1 shall compensate the county for the cost of confinement for each day
2 that the person remains confined in the county jail following the
3 expiration of that period. The compensation must be equal to the
4 amount that would have been incurred by the department to confine
5 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 5. Subchapter I, Chapter 508, Government Code, is
16 amended by adding Section 508.285 to read as follows:

17 Sec. 508.285. TRANSFER TO DEPARTMENT; COMPENSATION TO
18 COUNTIES. (a) The department shall take custody of a releasee or
19 person described by Section 508.281(a) who is confined only on a
20 charge that the releasee or person has committed an administrative
21 violation of release not later than the 45th day after the date on
22 which all processing required for transfer has been completed.

23 (b) If the department does not take custody of a person
24 within the period prescribed by Subsection (a), the department
25 shall compensate the county for the cost of confinement for each day
26 that the person remains confined in the county jail following the
27 expiration of that period. The compensation must be equal to the

1 amount that would have been incurred by the department to confine
2 the person for that period.

3 SECTION 6. Section 499.121(c), Government Code, is
4 repealed.

5 SECTION 7. Not later than December 31, 2023, the Texas Board
6 of Criminal Justice shall adopt the scheduled admissions policy
7 required by Section 499.071, Government Code, as amended by this
8 Act.

9 SECTION 8. (a) Article 46B.014, Code of Criminal
10 Procedure, as added by this Act, applies only to compensation to a
11 county for the cost of a defendant's confinement that occurs on or
12 after January 1, 2024, regardless of whether the order of
13 commitment is issued before, on, or after that date.

14 (b) Section 54.04, Family Code, as amended by this Act,
15 applies only to compensation to a county for the cost of a child's
16 detention that occurs on or after January 1, 2024, regardless of
17 whether the disposition order is issued before, on, or after that
18 date.

19 (c) Sections 499.1215 and 508.285, Government Code, as
20 added by this Act, apply only to compensation to a county for the
21 cost of confinement of a person that occurs on or after January 1,
22 2024, regardless of whether all processing required for transfer of
23 the person to the Texas Department of Criminal Justice is completed
24 before, on, or after that date.

25 SECTION 9. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2023.