

By: Frank

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 SECTION 5. Section 499.121(c), Government Code, is
7 repealed.

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

12 SECTION 7. (a) Article 46B.014, Code of Criminal
13 Procedure, as added by this Act, applies only to compensation to a
14 county for the cost of a defendant's confinement that occurs on or
15 after January 1, 2024, regardless of whether the order of
16 commitment is issued before, on, or after that date.

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

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

1 SECTION 8. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2023.