

By: Eckhardt

S.B. No. 1313

A BILL TO BE ENTITLED

AN ACT

relating to the confinement in a county jail of certain defendants who are incompetent to stand trial and to the compensation to the county for the costs of that confinement.

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

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

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

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

SECTION 2. Article 46B.014, Code of Criminal Procedure, as added by this Act, applies only to compensation to a county for the cost of a defendant's confinement that occurs on or after January 1, 2024, regardless of whether the order of commitment is issued before, on, or after that date.

1 SECTION 3. 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.