

BILL ANALYSIS

H.B. 1290
By: Flynn
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are 256 county or contract jails in the State that are operated in 240 counties. The Average Daily Population(ADP) of inmates incarcerated in these jails is 63,500. All inmates receive medical screening and necessary treatment while in custody. As a result, all Texas counties incur medical and dental expenses for inmates that are incarcerated in these jails. Estimates for the cost of direct medical services average \$3.00 per day per inmate. Counties pay tens of millions of dollars for these medical services with little opportunity for reimbursement. This bill provides for a \$3.00 fee as a cost of court to a defendant convicted of an offense in justice court, county court, county court at law, district court or municipal court. These funds, collected in each county, are to be deposited with the county treasurer in an established inmate medical expense fund to be used to reimburse the county or hospital district for medical, dental, or other health care related services provided to the inmates of a county jail.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1290 amends the Code of Criminal Procedure by adding Article 102.022 which requires a defendant convicted of an offense in a justice, county, county court at law, district court, or municipal court to pay a \$3 fee as a cost of court. A person is considered convicted if a sentence is imposed, the person receives community supervision(including deferred adjudication) or the court defers final disposition of the case. The appropriate court clerk will collect the cost of court fees and pay them to the county treasurer or other official who discharges the duties commonly delegated to the county treasurer. Costs paid to the county treasurer are to be deposited into a fund called the inmate medical expense fund and may only be used to reimburse a county or hospital district for medical, dental, or other health care-related services provided to county jail inmates. Such fund shall be administered by or under the direction of the county commissioners court. After an annual review of the fees collected, the commissioners court may forward any excess fees collected in the previous year to the county's general revenue fund.

EFFECTIVE DATE

September 1, 2005.