

BILL ANALYSIS

C.S.H.B. 1550
By: Frank
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the detention of some inmates in county facilities at the instruction of the state places an undue financial hardship on the county because the detention period often exceeds the time it takes the county to process a transfer to the Texas Department of Criminal Justice. C.S.H.B. 1550 seeks to address this issue by entitling affected counties to reimbursement for certain costs of confinement.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 1550 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ) to develop and implement a plan to effectively and efficiently take custody of and transport the following persons from a county jail not later than the fifth day after the date on which all processing required for transferring the person has been completed: an inmate confined in a county jail while under an order of commitment to the institutional division of TDCJ or a person who is released on parole or mandatory supervision or granted a conditional pardon and who is confined in a county jail after an ineligible release or only on a charge that the person has committed a violation of release.

C.S.H.B. 1550 entitles a county to reimbursement from TDCJ for the cost of confining such an inmate or person at a rate of \$45 for each day the inmate or person remains confined beginning on the sixth day after the date on which all processing required for the inmate's transfer has been completed or beginning on the sixth day after the date on which the county's processing related to the person's transfer to TDCJ has been completed if the person is confined after an ineligible release or only on a charge that the person has committed an administrative violation of release, as applicable. This entitlement applies only to reimbursement for the cost of confinement of such an inmate that occurs on or after September 1, 2019, regardless of whether all processing required for the inmate's transfer to TDCJ is completed before, on, or after September 1, 2019, and to a person who is arrested on or after September 1, 2019, as applicable. The bill authorizes a county judge to request reimbursement by submitting to the comptroller of public accounts a statement of the amount for which the county is entitled to reimbursement and requires the comptroller on receipt of such a statement from a county to reimburse the county in the amount requested from funds appropriated to TDCJ.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1550 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 1. Chapter 493, Government Code, is amended by adding Section 493.032 to read as follows:

Sec. 493.032. TRANSPORTATION PLAN FOR CERTAIN INMATES. The department shall develop and implement a plan to effectively and efficiently take custody of and transport from a county jail an inmate described by Section 499.121(c) or a person described by Section 508.281(a) not later than the fifth day after the date on which all processing required for transferring the inmate or person has been completed.

SECTION 1. Subchapter F, Chapter 499, Government Code, is amended by adding Section 499.1215 to read as follows:

Sec. 499.1215. REIMBURSEMENT TO COUNTIES. (a) A county is entitled to reimbursement from the department for the cost of confining an inmate described by Section 499.121(c) in a county jail at a rate of \$45 for each day the inmate remains confined following the date on which all processing required for transfer has been completed.

(b) A county judge may request reimbursement by submitting to the comptroller a statement of the amount for which the county is entitled to reimbursement under Subsection (a). On receipt of a statement from a county under this subsection, the comptroller shall reimburse the county in the amount requested from funds appropriated to the department.

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

Sec. 499.1215. REIMBURSEMENT TO COUNTIES. (a) A county is entitled to reimbursement from the department for the cost of confining an inmate described by Section 499.121(c) in a county jail at a rate of \$45 for each day the inmate remains confined beginning on the sixth day after the date on which all processing required for transfer has been completed.

(b) A county judge may request reimbursement by submitting to the comptroller a statement of the amount for which the county is entitled to reimbursement under Subsection (a). On receipt of a statement from a county under this subsection, the comptroller shall reimburse the county in the amount requested from funds appropriated to the department.

SECTION 2. Subchapter I, Chapter 508, Government Code, is amended by adding Section 508.285 to read as follows:

Sec. 508.285. REIMBURSEMENT TO

SECTION 3. Subchapter I, Chapter 508, Government Code, is amended by adding Section 508.285 to read as follows:

Sec. 508.285. REIMBURSEMENT TO

COUNTIES. (a) A county is entitled to reimbursement from the department for the cost of confining a person described by Section 508.281(a) in a county jail at a rate of \$45 for each day the person remains confined following the date on which the county's processing related to the transfer of the person to the department has been completed if the person is confined after an ineligible release or only on a charge that the person has committed an administrative violation of release.

(b) A county judge may request reimbursement by submitting to the comptroller a statement of the amount for which the county is entitled to reimbursement under Subsection (a). On receipt of a statement from a county under this subsection, the comptroller shall reimburse the county in the amount requested from funds appropriated to the department.

No equivalent provision.

SECTION 3. Section 499.1215, Government Code, as added by this Act, applies only to the reimbursement of a county for the cost of confinement of an inmate described by Section 499.1215(a) that occurs on or after the effective date of this Act, regardless of whether all processing required for transfer of the inmate to the Texas Department of Criminal Justice is completed before, on, or after the effective date of this Act.

SECTION 4. Section 508.285, Government Code, as added by this Act, applies only to a person who is arrested on or after the effective date of this Act. A person arrested before the effective date of this Act is governed by the law in effect on the date the person was arrested, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2017.

COUNTIES. (a) A county is entitled to reimbursement from the department for the cost of confining a person described by Section 508.281(a) in a county jail at a rate of \$45 for each day the person remains confined beginning on the sixth day after the date on which the county's processing related to the transfer of the person to the department has been completed if the person is confined after an ineligible release or only on a charge that the person has committed an administrative violation of release.

(b) A county judge may request reimbursement by submitting to the comptroller a statement of the amount for which the county is entitled to reimbursement under Subsection (a). On receipt of a statement from a county under this subsection, the comptroller shall reimburse the county in the amount requested from funds appropriated to the department.

SECTION 4. As soon as practicable after the effective date of this Act, the Texas Department of Criminal Justice shall develop and implement the plan required by Section 493.032, Government Code, as added by this Act.

SECTION 5. Section 499.1215, Government Code, as added by this Act, applies only to the reimbursement of a county for the cost of confinement of an inmate described by Section 499.1215(a) that occurs on or after September 1, 2019, regardless of whether all processing required for transfer of the inmate to the Texas Department of Criminal Justice is completed before, on, or after September 1, 2019.

SECTION 6. Section 508.285, Government Code, as added by this Act, applies only to a person who is arrested on or after September 1, 2019. A person arrested before September 1, 2019, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 7. Same as introduced version.