

By: Perry

S.B. No. 2216

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the reimbursement to a county for the costs of confining  
3 a person arrested under an out-of-county warrant.

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

5 SECTION 1. Article 104.002(a), Code of Criminal Procedure,  
6 is amended to read as follows:

7 (a) Except as otherwise provided by this article and Article  
8 104.0025, a county is liable for all expenses incurred in the  
9 safekeeping of prisoners confined in the county jail or kept under  
10 guard by the county. If a prisoner is transferred to a county from  
11 another county on a change of venue, for safekeeping, or for a  
12 habeas corpus hearing, the county transferring the prisoner is  
13 liable for the expenses described by this article.

14 SECTION 2. Chapter 104, Code of Criminal Procedure, is  
15 amended by adding Article 104.0025 to read as follows:

16 Art. 104.0025. EXPENSES FOR CERTAIN PERSONS CONFINED FOR  
17 OUT-OF-COUNTY OFFENSE. (a) If a person is arrested under a warrant  
18 issued in a county other than the county of arrest and notice of the  
19 arrest and commitment has been provided under Article 15.19 to the  
20 sheriff of the county that issued the warrant, the county that  
21 issued the warrant is responsible for all expenses incurred by the  
22 county of arrest relating to the safekeeping in a county jail of the  
23 arrested person.

24 (b) If the county of arrest incurs expenses for the

1 safekeeping of the arrested person, the sheriff shall submit to the  
2 county judge an account of expenses incurred by the county for the  
3 person. The county judge shall approve the amount the county judge  
4 determines is a correct statement of the expenses and sign and date  
5 the account.

6 (c) The county judge shall submit to the commissioners court  
7 of the county that issued the warrant, at a regular term of the  
8 court, the county judge's signed statement of the account described  
9 by Subsection (b). If the commissioners court determines that the  
10 account is in accordance with the law, it shall order the county  
11 treasurer to issue to the sheriff of the county submitting the  
12 statement a draft in an amount approved by the court.

13 SECTION 3. The change in law made by this Act applies only  
14 to a person who is arrested on or after the effective date of this  
15 Act. A person arrested before the effective date of this Act is  
16 governed by the law in effect on the date the person was arrested,  
17 and the former law is continued in effect for that purpose.

18 SECTION 4. This Act takes effect September 1, 2019.