

BILL ANALYSIS

C.S.H.B. 476
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The criminal justice system is meant to create accountability and righteousness in our society. Yet the massive backlog of cases across Texas counties, exacerbated by the COVID-19 pandemic, has created a situation where accused individuals are detained for excess periods of months to years. Detaining an accused person for extraordinary periods of time violates the constitutional protection against unlawful detainment. Additionally, these excessive detainments can cost taxpayers millions of dollars each year. C.S.H.B. 476 seeks to address this issue by prohibiting the detention of certain defendants for a period longer than the maximum term of confinement that would be imposed on the defendant for the alleged offense.

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. 476 amends the Code of Criminal Procedure to prohibit the detention of an applicable defendant in jail pending trial for a cumulative period that, when considering the maximum credit toward the defendant's sentence to which the defendant would be entitled to earn as a result of the defendant's conduct while confined in the county jail of the county in which the offense occurred, exceeds the maximum term of confinement that may be imposed on conviction of the offense of which the defendant is accused. The bill excludes the following defendants from the prohibition:

- a defendant who is being evaluated for competency or subject to an order of commitment issued after the defendant is found incompetent to stand trial;
- a defendant charged with a Class C misdemeanor for public intoxication and no other offense; or
- a defendant charged with any other Class C misdemeanor who is also being detained due to an outstanding warrant for any offense.

C.S.H.B. 476 applies to a person who is arrested on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 476 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a specification absent from the introduced that the cumulative period for which an applicable defendant's detention may not exceed the maximum term of confinement that may be imposed on the defendant is based on the maximum credit toward the defendant's sentence to which the defendant would be entitled to earn as a result of the defendant's conduct while confined in the county jail of the county in which the offense occurred.

The substitute includes a provision excluding from the bill's prohibition defendants charged with a Class C misdemeanor public intoxication offense, or any other Class C misdemeanor and also being detained due to an outstanding warrant, and defendants being evaluated for competency or subject to an order of commitment, whereas the introduced did not provide for any such exclusion.