

BILL ANALYSIS

C.S.H.B. 1563
By: Harless
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

County jails across Texas over the years have seen varying response times by the Texas Department of Criminal Justice (TDCJ) in accepting prisoners. When a person has a final disposition rendered in a criminal case, the county prepares a "pen packet" containing certain documents required by state law, which is then reviewed by TDCJ. In many cases, the person is held at the county jail, which places the financial burden on the county taxpayer and can lead to overcrowded jails. C.S.H.B. 1563 seeks to address these issues by requiring TDCJ to take custody within 45 days of the date a person's pen packet documents are received and certified and by providing for reimbursement to county jails at TDCJ's expense if TDCJ does not take custody of a person following the expiration of that period.

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. 1563 amends the Government Code to change the scheduled admissions policy that the Texas Board of Criminal Justice (TBCJ) must adopt and enforce from a policy that permits the institutional division of the Texas Department of Criminal Justice (TDCJ) to accept inmates within 45 days of processing to a policy that requires TDCJ to accept persons within 45 days of the date on which the person's pen packet documents have been received and certified. The bill requires TBCJ to adopt the policy not later than December 31, 2023.

C.S.H.B. 1563 requires TDCJ to accept custody of a person awaiting transfer to TDCJ following conviction of a felony, including a state jail felony, not later than the 45th day following the date on which the person's pen packet documents are received and certified. If TDCJ does not take custody of the person within that period, TDCJ is required to compensate the county for the cost of confinement for each day that the person 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 TDCJ to confine the person for that period. The bill establishes the following with respect to a person who remains confined in the county jail following the expiration of the 45-day period due to a delay caused by the county:

- the county is not entitled to compensation under the bill for the cost of confinement for any day that the person remains confined due to the delay caused by the county; and
- the county and TDCJ are required to arrange to transfer the person to TDCJ as soon as practicable after the delay.

The bill's provisions regarding TDCJ's compensation to counties apply only to compensation for the cost of confinement of a person that occurs on or after January 1, 2024, regardless of whether the transfer requirements are completed before, on, or after that date.

C.S.H.B. 1563 amends the Code of Criminal Procedure to prohibit TDCJ from taking a defendant into custody until the designated officer determines that the defendant's pen packet documents do not contain any errors or deficiencies requiring corrective action by the county.

C.S.H.B. 1563 repeals Section 499.121(c), Government Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1563 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.

While both the substitute and the introduced require TDCJ to accept custody of a person awaiting transfer to TDCJ following a felony conviction, the substitute includes a specification absent from the introduced that this includes a state jail felony conviction. Whereas the introduced required TDCJ to take custody not later than the 45th day following the date on which all processing required for transfer has been completed, the substitute requires TDCJ to accept custody not later than 45th day following the date the person's pen packet documents have been received and certified.

The substitute includes the following provisions absent from the introduced with respect to a person who remains confined in the county jail following the expiration of the 45-day period due to a delay caused by the county:

- a provision establishing that the county is not entitled to compensation for the cost of confinement for any day that the person remains confined due to the delay caused by the county; and
- a requirement for the county and TDCJ to arrange to transfer the person to TDCJ as soon as practicable after the delay.

The substitute includes a prohibition absent from the introduced against TDCJ taking a defendant into custody until the designated officer determines that the defendant's pen packet documents do not contain any errors or deficiencies requiring corrective action by the county.