

BILL ANALYSIS

Senate Research Center
88R9736 MCF-F

H.B. 2620
By: Geren et al. (King)
Criminal Justice
5/12/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

After final disposition, individuals sentenced to a Texas Department of Criminal Justice (TDCJ) facility wait in county jails until they are finally transferred to the state facility, with county taxpayers bearing the financial responsibility of housing these defendants for the period between their sentencing and transfer. Currently, there are no mechanisms for providing any reimbursement to counties for the expense incurred for housing individuals beyond the 45-day period in which TDCJ is supposed to take custody, which has created a financial burden on the county taxpayer. H.B. 2620 seeks to address this issue by requiring TDCJ to review and certify the documents required for transfer within five business days after their receipt and to accept the individual awaiting transfer within 45 days of the date on which all the documents have been received and certified. The bill also provides a mechanism for counties to be reimbursed for the costs of confining inmates beyond that 45-day period.

H.B. 2620 amends current law relating to the confinement in a county jail of a person pending a transfer to the Texas Department of Criminal Justice and to compensation to a county for certain costs of confinement.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 499.071, Government Code, as follows:

Sec. 499.071. SCHEDULED ADMISSIONS POLICY. Requires the Texas Board of Criminal Justice (TBCJ) to adopt and enforce a scheduled admissions policy that requires the Texas Department of Criminal Justice (TDCJ), to:

(1) review and certify documents delivered to TDCJ as required by Section 8(b) (relating to prohibiting TDCJ from taking a defendant into custody until the designated officer receives certain documents), Article 42.09, Code of Criminal Procedure, not later than the third day after the date of receiving the documents; and

(2) accept persons within the time period required by Section 499.1215(b).

Deletes existing text requiring TBCJ to adopt and enforce a scheduled admissions policy that permits the institutional division to accept inmates within 45 days of processing as required by Section 499.121(c) (relating to providing that the institutional division has a duty to accept, not later than the 45th day after the date on which all processing required for transfer has been completed, each inmate confined in a county jail while under an order of commitment to the institutional division).

SECTION 2. Amends Subchapter F, Chapter 499, Government Code, by adding Section 499.1215, as follows:

Sec. 499.1215. TRANSFER TO DEPARTMENT; COMPENSATION TO COUNTIES.
(a) Defines "cost of confinement."

(b) Requires TDCJ to take custody of a person awaiting transfer to TDCJ following conviction of a felony not later than the 45th day following the date on which all documents required by Sections 8(a) (relating to requiring a county that transfers a defendant to TDCJ to deliver to an officer designated by TDCJ) and (c) (relating to providing that a county that transfers a defendant to TDCJ is required to also deliver to the designated officer certain reports, and available social or psychological background information relating to the defendant and is authorized to deliver to the designated officer any additional information upon which the judge or jury bases the punishment decision), Article 42.09, Code of Criminal Procedure, have been received by TDCJ and certified as provided by Section 8(b) of Article 42.09.

(c) Requires TDCJ, if TDCJ does not take custody of a person within the period prescribed by Subsection (b), to compensate the county in an amount equal to the sum of:

(1) 125 percent of the cost of confinement for each day that the person remains confined in the county jail following the expiration of the period prescribed by Subsection (b);

(2) the cost of confinement for each day for the period beginning on the date on which TDCJ received the documents required by Sections 8(a) and (c), Article 42.09, Code of Criminal Procedure, and ending on the date on which TDCJ certified the documents as provided by Section 8(b) of that article; and

(3) the cost to the county for all medical, behavioral health, and pharmaceutical care provided to the person while confined beginning on the date on which TDCJ received the documents required by Sections 8(a) and (c), Article 42.09, Code of Criminal Procedure.

SECTION 3. Repealer: Section 499.121(c) (relating to providing that the legislature declares that on and after September 1, 1995, the institutional division has a duty to accept, not later than the 45th day after the date on which all processing required for transfer has been completed, each inmate confined in a county jail while under an order of commitment to the institutional division), Government Code.

SECTION 4. Requires TBCJ to adopt the scheduled admissions policy required by Section 499.071, Government Code, as amended by this Act, not later than September 30, 2023.

SECTION 5. Makes application of Section 499.1215, Government Code, as added by this Act, prospective to October 1, 2023.

SECTION 6. Effective date: upon passage or September 1, 2023.