

## **BILL ANALYSIS**

C.S.H.B. 3363  
By: Frank  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Over the last few years, and especially in the aftermath of COVID-19, state agencies have not timely taken custody of paper-ready inmates, blue warrant parolees, criminal defendants who are incompetent to stand trial, and youth held in county jails and facilities. This is increasingly costly to local governments, which can affect the provision of other local services and ultimately the taxpayer. C.S.H.B. 3363 seeks to relieve the burden on local taxpayers and ensure that state agencies issuing orders for the detainment of individuals for transfer into state facilities do so within an appropriate time frame or compensate local governments for the cost 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. 3363 amends the Code of Criminal Procedure to require the Health and Human Services Commission (HHSC) to take custody of a defendant who is not released on bail and subject to an initial competency restoration period awaiting transfer to a facility operated by or under contract with the HHSC not later than the 45th day following the date the order committing the defendant to the facility is issued. If HHSC does not take custody of the defendant within that 45-day period, HHSC is required to compensate a county for each day that the defendant remains confined in the county jail following the expiration of that period in an amount equal to the amount that would have been incurred by HHSC to confine the defendant for that period.

C.S.H.B. 3363 amends the Family Code to require the Texas Juvenile Justice Department (TJJD) to accept custody of a child sentenced to commitment in TJJD not later than the 45th day after the date on which the judge signs the disposition order sentencing the child to commitment. If TJJD does not take custody of the child within that 45-day period, TJJD is required to compensate the county for the cost of detention for each day that the child remains detained in a facility operated by or under contract with the county following the expiration of that period in an amount equal to the amount that would have been incurred by TJJD to detain the child for that period.

C.S.H.B. 3363 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 processing as required by the bill's provisions. The bill requires TBCJ to adopt such scheduled admissions policy not later than December 31, 2023.

C.S.H.B. 3363 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 processing required for transfer has been completed. If TDCJ does not take custody of a person within that 45-day 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 in an amount 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.

C.S.H.B. 3363 requires TDCJ to take custody of a releasee or person who is confined only on a charge that the releasee or person has committed an administrative violation of parole, mandatory supervision, or conditional pardon not later than the 45th day after the date on which all processing required for transfer has been completed. If TDCJ does not take custody of the person within that 45-day 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 in an amount equal to the amount that would have been incurred by TDCJ to confine the person for that period.

C.S.H.B. 3363 provisions regarding HHSC, TJJD, and TDCJ compensation to counties apply only to compensation for the cost of confinement or detention that occurs on or after January 1, 2024, regardless of whether the order of commitment or the disposition order is issued or all processing required for transfer is completed, as applicable, before, on, or after January 1, 2024.

C.S.H.B. 3363 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. 3363 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 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 the following provisions absent from the introduced:

- a requirement for TDCJ to take custody of a releasee or person who is confined only on a charge of committing an administrative violation of parole, mandatory supervision, or

conditional pardon not later than the 45th day after the date on which all processing required for transfer has been completed; and

- a requirement for TDCJ, if TDCJ does not take custody of such a person within that 45-day period, 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 in an amount equal to the amount that would have been incurred by TDCJ to confine the person for that period.