

1-1 By: Geren, et al. (Senate Sponsor - King) H.B. No. 2620  
1-2 (In the Senate - Received from the House April 24, 2023;  
1-3 May 4, 2023, read first time and referred to Committee on Criminal  
1-4 Justice; May 18, 2023, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 May 18, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Flores	X		
1-11	Bettencourt	X		
1-12	Hinojosa	X		
1-13	Huffman	X		
1-14	King	X		
1-15	Miles	X		

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 2620 By: Bettencourt

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the confinement in a county jail of a person pending a  
1-20 transfer to the Texas Department of Criminal Justice and to  
1-21 compensation to a county for certain costs of confinement.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 499.071, Government Code, is amended to  
1-24 read as follows:

1-25 Sec. 499.071. SCHEDULED ADMISSIONS POLICY. The board shall  
1-26 adopt and enforce a scheduled admissions policy that requires

1-27 ~~[permits]~~ the department ~~[institutional division]~~ to:

1-28 (1) review documents received under Section 8(a) or  
1-29 (c), Article 42.09, Code of Criminal Procedure, and certify the  
1-30 documents or notify the county that the documents require  
1-31 corrective action within the time period required by Section 8(b)  
1-32 of that article; and

1-33 (2) accept persons [inmates] within the time period  
1-34 [45 days of processing as] required by Section 499.1215(b)  
1-35 [499.121(c)].

1-36 SECTION 2. Subchapter F, Chapter 499, Government Code, is  
1-37 amended by adding Section 499.1215 to read as follows:

1-38 Sec. 499.1215. TRANSFER TO DEPARTMENT; COMPENSATION TO  
1-39 COUNTIES. (a) In this section, "cost of confinement" means the  
1-40 amount that would have been incurred by the department to confine a  
1-41 person. The term does not include costs for medical, behavioral, or  
1-42 pharmaceutical care.

1-43 (b) The department shall take custody of a person awaiting  
1-44 transfer to the department following conviction of a felony and  
1-45 sentencing to death or to a term of imprisonment in the department  
1-46 or confinement in a state jail not later than the 45th day following  
1-47 the date on which all documents required by Sections 8(a) and (c),  
1-48 Article 42.09, Code of Criminal Procedure, have been certified as  
1-49 required by Section 8(b) of that article.

1-50 (c) If the department does not take custody of a person  
1-51 within the period prescribed by Subsection (b), the department  
1-52 shall compensate the county for the cost of confinement for each day  
1-53 the person remains confined in the county jail following the  
1-54 expiration of that period.

1-55 (d) If a person remains confined in the county jail  
1-56 following the expiration of the period prescribed by Subsection (b)  
1-57 due to a delay caused by the county:

1-58 (1) the county is not entitled to compensation under  
1-59 Subsection (c) for any day that the person remains confined due to  
1-60 the delay caused by the county; and

2-1 (2) the county and the department shall arrange to  
2-2 transfer the person to the department as soon as practicable after  
2-3 the delay.

2-4 SECTION 3. Section 8, Article 42.09, Code of Criminal  
2-5 Procedure, is amended by amending Subsection (b) and adding  
2-6 Subsection (b-1) to read as follows:

2-7 (b) The Texas Department of Criminal Justice shall not take  
2-8 a defendant into custody under this article until the designated  
2-9 officer receives the documents required by Subsections (a) and (c)  
2-10 of this section and determines that the documents do not contain any  
2-11 errors or deficiencies requiring corrective action by the county.  
2-12 Not later than the fifth business day after the date of receipt of  
2-13 ~~[The designated officer shall certify under the seal of the~~  
2-14 ~~department]~~ the documents, the designated officer shall:

2-15 (1) certify the documents under the seal of the  
2-16 department if the designated officer determines the documents do  
2-17 not require any corrective action; or

2-18 (2) notify the county that the designated officer has  
2-19 determined that the documents require corrective action ~~[received~~  
2-20 ~~under Subsections (a) and (c) of this section]~~.

2-21 (b-1) A document certified under Subsection (b) ~~[this~~  
2-22 ~~subsection]~~ is self-authenticated for the purposes of Rules 901 and  
2-23 902, Texas Rules of Evidence.

2-24 SECTION 4. Section 499.121(c), Government Code, is  
2-25 repealed.

2-26 SECTION 5. Not later than September 30, 2023, the Texas  
2-27 Board of Criminal Justice shall adopt the scheduled admissions  
2-28 policy required by Section 499.071, Government Code, as amended by  
2-29 this Act.

2-30 SECTION 6. Section 499.1215, Government Code, as added by  
2-31 this Act, applies only to compensation to a county for the costs  
2-32 described by that section related to the confinement of a person  
2-33 that occurs on or after October 1, 2023, regardless of whether the  
2-34 requirements under that section for transfer of the person to the  
2-35 Texas Department of Criminal Justice are completed before, on, or  
2-36 after that date.

2-37 SECTION 7. This Act takes effect immediately if it receives  
2-38 a vote of two-thirds of all the members elected to each house, as  
2-39 provided by Section 39, Article III, Texas Constitution. If this  
2-40 Act does not receive the vote necessary for immediate effect, this  
2-41 Act takes effect September 1, 2023.

2-42 \* \* \* \* \*