

By: Neave Criado

H.B. No. 3530

A BILL TO BE ENTITLED

AN ACT

relating to the confinement in a county jail of certain defendants who are incompetent to stand trial and to the compensation to the county for the costs of that confinement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.014 to read as follows:

Art. 46B.014. TRANSFER TO COMMISSION; COMPENSATION TO COUNTIES. (a) The commission shall take custody of a defendant awaiting transfer to a mental health facility under an order issued under Article 46B.073, not later than the 21st day following the date the order is received by the commission.

(b) If the commission does not take custody of a defendant within the period prescribed by Subsection (a), the commission shall compensate the county at a rate of \$350 for each day that the defendant remains confined in the county jail following the expiration of that period.

SECTION 2. Article 46B.014, Code of Criminal Procedure, as added by this Act, applies only to compensation to a county for the cost of a defendant's confinement that occurs on or after October 1, 2023, regardless of whether the order of commitment is issued before, on, or after that date.

SECTION 3. This Act takes effect September 1, 2023.