

SENATE AMENDMENTS

2nd Printing

By: Geren, Herrero, et al.

H.B. No. 2620

A BILL TO BE ENTITLED

AN ACT

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.

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

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

Sec. 499.071. SCHEDULED ADMISSIONS POLICY. The board shall adopt and enforce a scheduled admissions policy that requires ~~[permits]~~ the department ~~[institutional division]~~ to:

(1) review and certify documents delivered to the department as required by Section 8(b), Article 42.09, Code of Criminal Procedure, not later than the third day after the date of receiving the documents; and

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

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

Sec. 499.1215. TRANSFER TO DEPARTMENT; COMPENSATION TO COUNTIES. (a) In this section, "cost of confinement" means the cost to the county for a person's confinement based on the average daily cost of confining a person in the county jail, as determined by the commissioners court of the county.

1 (b) The department shall take custody of a person awaiting
2 transfer to the department following conviction of a felony not
3 later than the 45th day following the date on which all documents
4 required by Sections 8(a) and (c), Article 42.09, Code of Criminal
5 Procedure, have been received by the department and certified as
6 provided by Section 8(b) of that article.

7 (c) If the department does not take custody of a person
8 within the period prescribed by Subsection (b), the department
9 shall compensate the county in an amount equal to the sum of:

10 (1) 125 percent of the cost of confinement for each day
11 that the person remains confined in the county jail following the
12 expiration of the period prescribed by Subsection (b);

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

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

24 SECTION 3. Section 499.121(c), Government Code, is
25 repealed.

26 SECTION 4. Not later than September 30, 2023, the Texas
27 Board of Criminal Justice shall adopt the scheduled admissions

1 policy required by Section 499.071, Government Code, as amended by
2 this Act.

3 SECTION 5. Section 499.1215, Government Code, as added by
4 this Act, applies only to compensation to a county for the costs
5 described by that section related to the confinement of a person
6 that occurs on or after October 1, 2023, regardless of whether the
7 requirements under that section for transfer of the person to the
8 Texas Department of Criminal Justice are completed before, on, or
9 after that date.

10 SECTION 6. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2023.

ADOPT

MAY 21 202

Harry Law
Secretary of the Senate

By: Gerren/King *Phil King*

H.B. No. 2620

Substitute the following for __.B. No. ____:

By: *Paul Bellercont*

C.S.__.B. No. ____

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2 relating to the confinement in a county jail of a person pending a
3 transfer to the Texas Department of Criminal Justice and to
4 compensation to a county for certain costs of confinement.

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

6 SECTION 1. Section 499.071, Government Code, is amended to
7 read as follows:

8 Sec. 499.071. SCHEDULED ADMISSIONS POLICY. The board shall
9 adopt and enforce a scheduled admissions policy that requires
10 ~~[permits]~~ the department ~~[institutional division]~~ to:

11 (1) review documents received under Section 8(a) or
12 (c), Article 42.09, Code of Criminal Procedure, and certify the
13 documents or notify the county that the documents require
14 corrective action within the time period required by Section 8(b)
15 of that article; and

16 (2) accept persons ~~[inmates]~~ within the time period
17 ~~[45 days of processing as]~~ required by Section 499.1215(b)
18 ~~[499.121(e)]~~.

19 SECTION 2. Subchapter F, Chapter 499, Government Code, is
20 amended by adding Section 499.1215 to read as follows:

21 Sec. 499.1215. TRANSFER TO DEPARTMENT; COMPENSATION TO
22 COUNTIES. (a) In this section, "cost of confinement" means the
23 amount that would have been incurred by the department to confine a
24 person. The term does not include costs for medical, behavioral, or

1 pharmaceutical care.

2 **(b) The department shall take custody of a person awaiting**
3 **transfer to the department following conviction of a felony and**
4 **sentencing to death or to a term of imprisonment in the department**
5 **or confinement in a state jail not later than the 45th day following**
6 **the date on which all documents required by Sections 8(a) and (c),**
7 **Article 42.09, Code of Criminal Procedure, have been certified as**
8 **required by Section 8(b) of that article.**

9 **(c) If the department does not take custody of a person**
10 **within the period prescribed by Subsection (b), the department**
11 **shall compensate the county for the cost of confinement for each day**
12 **the person remains confined in the county jail following the**
13 **expiration of that period.**

14 **(d) If a person remains confined in the county jail**
15 **following the expiration of the period prescribed by Subsection (b)**
16 **due to a delay caused by the county:**

17 **(1) the county is not entitled to compensation under**
18 **Subsection (c) for any day that the person remains confined due to**
19 **the delay caused by the county; and**

20 **(2) the county and the department shall arrange to**
21 **transfer the person to the department as soon as practicable after**
22 **the delay.**

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

26 (b) The Texas Department of Criminal Justice shall not take
27 a defendant into custody under this article until the designated

1 officer receives the documents required by Subsections (a) and (c)
2 of this section and determines that the documents do not contain any
3 errors or deficiencies requiring corrective action by the county.
4 Not later than the fifth business day after the date of receipt of
5 ~~[The designated officer shall certify under the seal of the~~
6 ~~department]~~ the documents, the designated officer shall:

7 (1) certify the documents under the seal of the
8 department if the designated officer determines the documents do
9 not require any corrective action; or

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

13 (b-1) A document certified under Subsection (b) ~~[this~~
14 ~~subsection]~~ is self-authenticated for the purposes of Rules 901 and
15 902, Texas Rules of Evidence.

16 SECTION 4. Section 499.121(c), Government Code, is
17 repealed.

18 SECTION 5. Not later than September 30, 2023, the Texas
19 Board of Criminal Justice shall adopt the scheduled admissions
20 policy required by Section 499.071, Government Code, as amended by
21 this Act.

22 SECTION 6. Section 499.1215, Government Code, as added by
23 this Act, applies only to compensation to a county for the costs
24 described by that section related to the confinement of a person
25 that occurs on or after October 1, 2023, regardless of whether the
26 requirements under that section for transfer of the person to the
27 Texas Department of Criminal Justice are completed before, on, or

1 after that date.

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 22, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2620 by Geren (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.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would require the Texas Department of Criminal Justice (TDCJ) to take custody of any person awaiting transfer to the department not later than the 45th day following the date on which all required documents have been received by the department. Should the department not take custody within that timeframe, they would be required to compensate the county jail for the cost of confinement.

According to TDCJ, any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

LBB Staff: JMc, SD, DDel, KFB, CSh, LBO

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 18, 2023

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB2620** by Geren (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.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require the Texas Department of Criminal Justice (TDCJ) to take custody of any person awaiting transfer to the department not later than the 45th day following the date on which all required documents have been received by the department. Should the department not take custody within that timeframe, they would be required to compensate the county jail for the cost of confinement.

According to TDCJ, any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 696 Department of Criminal Justice

LBB Staff: JMc, DDel, KFB, CSh, LBO

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 15, 2023

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB2620** by Geren (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.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would require the Texas Department of Criminal Justice to take custody of any person awaiting transfer to the department not later than the 45th day following the date on which all required documents have been received by the department. Should the department not take custody within that timeframe, they would be required to compensate the county jail at a rate of 125-percent of the cost of confinement for that inmate.

According to TDCJ, any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JMc, DDel, LBO, CSh, KFB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 20, 2023

TO: Honorable Abel Herrero, Chair, House Committee on Corrections

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2620 by Geren (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.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require the Texas Department of Criminal Justice to take custody of any person awaiting transfer to the department not later than the 45th day following the date on which all required documents have been received by the department. Should the department not take custody within that timeframe, they would be required to compensate the county jail at a rate of 125-percent of the cost of confinement for that inmate.

According to TDCJ, any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JMc, DDel, KFB, CSh