

**House Bill 2620**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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(e)]~~.

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.

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

SENATE VERSION (CS)

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

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

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 amount that would have been incurred by the department to confine a person. The term does not include costs for medical, behavioral, or pharmaceutical care.

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

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(c) If the department does not take custody of a person within the period prescribed by Subsection (b), the department shall 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 the department received the documents required by Sections 8(a) and (c), Article 42.09, Code of Criminal Procedure, and ending on the date on which the department 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 the department received the documents required by Sections 8(a) and (c), Article 42.09, Code of Criminal Procedure.

No equivalent provision.

SENATE VERSION (CS)

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

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

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

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

CONFERENCE

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

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

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	<u>designated officer shall:</u> <u>(1) certify the documents under the seal of the department if the designated officer determines the documents do not require any corrective action; or</u> <u>(2) notify the county that the designated officer has determined that the documents require corrective action [received under Subsections (a) and (e) of this section].</u> <u>(b-1) A document certified under Subsection (b) [this subsection]</u> is self-authenticated for the purposes of Rules 901 and 902, Texas Rules of Evidence.	
SECTION 3. Section 499.121(c), Government Code, is repealed.	SECTION 4. Same as House version.	
SECTION 4. Not later than September 30, 2023, the Texas Board of Criminal Justice shall adopt the scheduled admissions policy required by Section 499.071, Government Code, as amended by this Act.	SECTION 5. Same as House version.	
SECTION 5. Section 499.1215, Government Code, as added by this Act, applies only to compensation to a county for the costs described by that section related to the confinement of a person that occurs on or after October 1, 2023, regardless of whether the requirements under that section for transfer of the person to the Texas Department of Criminal Justice are completed before, on, or after that date.	SECTION 6. Same as House version.	
SECTION 6. This Act takes effect immediately if it receives	SECTION 7. Same as House version.	

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a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

SENATE VERSION (CS)

CONFERENCE