

BILL ANALYSIS

Senate Research Center
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H.B. 413
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Criminal Justice
5/21/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Pretrial detention is meant to ensure court appearances and public safety, not to serve as an unofficial sentence. When individuals are held longer than the legal penalty for their alleged crime, the system is effectively punishing them before they have even had their day in court. H.B. 413 ensures that a defendant charged with a Class B misdemeanor or higher category of offense is not detained in jail pending trial for a cumulative period that is longer than the maximum term of confinement on conviction of the offense.

H.B. 413 amends current law relating to the release of certain defendants detained in jail pending trial.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 17, Code of Criminal Procedure, by adding Article 17.1511, as follows:

Art. 17.1511. RELEASE OF CERTAIN DEFENDANTS DETAINED LONGER THAN POTENTIAL PUNISHMENT. (a) Prohibits a defendant charged with an offense punishable as a Class B misdemeanor or any higher category of offense, notwithstanding any other law and except as provided by Subsection (b), from being detained in jail pending trial for a cumulative period that, when considering the maximum credit toward the defendant's sentence to which the defendant would be entitled to earn as a result of the defendant's conduct while confined in the county jail of the county in which the offense occurred, exceeds the maximum term of confinement that may be imposed on conviction of the offense of which the defendant is accused.

(b) Provides that this article does not apply to a defendant who is being evaluated for competency or subject to an order of commitment issued under Chapter 46B (Incompetency to Stand Trial).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.