

BILL ANALYSIS

H.B. 413
By: Jones, Jolanda
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In the American justice system, individuals are presumed innocent until proven guilty. Yet, the bill author has informed the committee that in Texas, some defendants remain in jail awaiting trial for longer than the maximum sentence they would have received if convicted and that this practice violates the fundamental right to due process and protection against excessive punishment. H.B. 413 seeks to correct this injustice by ensuring that certain defendants are not subject to pretrial detention for periods exceeding the maximum sentences for the offenses for which they are accused.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 413 amends the Code of Criminal Procedure to prohibit the detention of a defendant charged with a Class B misdemeanor or higher category of offense in jail pending trial for a cumulative period that exceeds the maximum term of confinement that may be imposed on conviction of that offense 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.

H.B. 413 excludes from the prohibition a defendant who is being evaluated for competency or subject to an order of commitment issued after the defendant is found incompetent to stand trial.

H.B. 413 applies to a person who is arrested on or after the bill's effective date. A person arrested before the bill's effective date is governed by the law in effect on the date the person was arrested, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.