

## **BILL ANALYSIS**

H.B. 1461  
By: Frank  
Corrections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The bill author has informed the committee of a recurring issue in Texas wherein state agencies do not take custody of individuals who are detained in county facilities awaiting transfer to state facilities in a timely manner and that excess costs of housing and care for these individuals while awaiting transfer are incurred by counties instead. H.B. 1461 seeks to address this issue by requiring the Health and Human Services Commission, Texas Juvenile Justice Department, and Texas Department of Criminal Justice to take custody of certain individuals not later than 45 days after an applicable court order has been issued or applicable processing for the transfer has been completed and by requiring these agencies to compensate a county for continuing to detain an individual for each day after that deadline.

### **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. 1461 amends the Code of Criminal Procedure to require the Health and Human Services Commission (HHSC) to take custody of a defendant who is not released on bail and subject to an initial competency restoration period awaiting transfer to a facility operated by or under contract with HHSC not later than the 45th day following the date the order committing the defendant to the facility is issued. If HHSC does not take custody of the defendant within that 45-day period, HHSC is required to compensate a county for each day that the defendant remains confined in the county jail following the expiration of that period in an amount equal to the amount that would have been incurred by HHSC to confine the defendant for that period.

H.B. 1461 amends the Family Code to require the Texas Juvenile Justice Department (TJJD) to accept custody of a child sentenced to commitment in TJJD not later than the 45th day after the date on which the judge signs the disposition order sentencing the child to commitment. If TJJD does not take custody of the child within that 45-day period, TJJD is required to compensate the county for the cost of detention for each day that the child remains detained in a facility operated by or under contract with the county following the expiration of that period in an amount equal to the amount that would have been incurred by TJJD to detain the child for that period.

H.B. 1461 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ) to take custody of a releasee or person who is confined only on a charge that the releasee or person has committed an administrative violation of parole, mandatory supervision, or

conditional pardon not later than the 45th day after the date on which all processing required for transfer has been completed. If TDCJ does not take custody of the person within that 45-day period, TDCJ is required to compensate the county for the cost of confinement for each day that the person remains confined in the county jail following the expiration of that period in an amount equal to the amount that would have been incurred by TDCJ to confine the person for that period.

H.B. 1461 applies only to compensation for the cost of confinement or detention that occurs on or after January 1, 2026, regardless of whether the order of commitment or the disposition order is issued or all processing required for transfer is completed, as applicable, before, on, or after that date.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.