

By: Frank, Spiller

H.B. No. 1461

A BILL TO BE ENTITLED

AN ACT

relating to the confinement or detention of certain individuals in a county jail or other facility operated by or for the county and to the compensation to the county for the costs of that confinement or detention.

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

SECTION 1. Subchapter A, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.014 to read as follows:

Art. 46B.014. TRANSFER TO COMMISSION; COMPENSATION TO COUNTIES. (a) The commission shall take custody of a defendant awaiting transfer under an order issued under Article 46B.073 to a facility operated by or under contract with the commission, not later than the 45th day following the date the order is issued.

(b) If the commission does not take custody of a defendant within the period prescribed by Subsection (a), the commission shall compensate the county for the cost of confinement for each day that the defendant remains confined in the county jail following the expiration of that period. The compensation must be equal to the amount that would have been incurred by the commission to confine the defendant for that period.

SECTION 2. Section 54.04, Family Code, is amended by adding Subsections (s) and (t) to read as follows:

(s) If the judge orders a disposition under this section sentencing a child to commitment in the Texas Juvenile Justice

1 Department, the department shall accept custody of the child not
2 later than the 45th day after the date on which the judge signs the
3 disposition order committing the child to the department.

4 (t) If the Texas Juvenile Justice Department does not take
5 custody of a child within the period prescribed by Subsection (s),
6 the department shall compensate the county for the cost of
7 detention for each day that the child remains detained in a facility
8 operated by or under contract with the county following the
9 expiration of that period. The compensation must be equal to the
10 amount that would have been incurred by the department to detain the
11 child for that period.

12 SECTION 3. Subchapter I, Chapter 508, Government Code, is
13 amended by adding Section 508.285 to read as follows:

14 Sec. 508.285. TRANSFER TO DEPARTMENT; COMPENSATION TO
15 COUNTIES. (a) The department shall take custody of a releasee or
16 person described by Section 508.281(a) who is confined only on a
17 charge that the releasee or person has committed an administrative
18 violation of release not later than the 45th day after the date on
19 which all processing required for transfer has been completed.

20 (b) If the department does not take custody of a person
21 within the period prescribed by Subsection (a), the department
22 shall compensate the county for the cost of confinement for each day
23 that the person remains confined in the county jail following the
24 expiration of that period. The compensation must be equal to the
25 amount that would have been incurred by the department to confine
26 the person for that period.

27 SECTION 4. (a) Article 46B.014, Code of Criminal

1 Procedure, as added by this Act, applies only to compensation to a
2 county for the cost of a defendant's confinement that occurs on or
3 after January 1, 2026, regardless of whether the order of
4 commitment is issued before, on, or after that date.

5 (b) Section 54.04, Family Code, as amended by this Act,
6 applies only to compensation to a county for the cost of a child's
7 detention that occurs on or after January 1, 2026, regardless of
8 whether the disposition order is issued before, on, or after that
9 date.

10 (c) Section 508.285, Government Code, as added by this Act,
11 applies only to compensation to a county for the cost of confinement
12 of a person that occurs on or after January 1, 2026, regardless of
13 whether all processing required for transfer of the person to the
14 Texas Department of Criminal Justice is completed before, on, or
15 after that date.

16 SECTION 5. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2025.