

By: Hinojosa

H.B. No. 2227

A BILL TO BE ENTITLED

AN ACT

relating to the period for transporting a criminal defendant who is found incompetent to stand trial to a facility for competency restoration services and to the compensation to the county for the costs of confinement occurring after that period.

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

SECTION 1. Subchapter D, Chapter 46B, Code of Criminal Procedure, is amended by adding Article 46B.0753 to read as follows:

Art. 46B.0753. TRANSFER TO COMMISSION; COMPENSATION TO COUNTIES. (a) The commission shall take custody of a defendant awaiting transfer to a mental health facility operated by or under contract with the commission not later than the 21st day following the date the court delivered a signed order of commitment under Article 46B.076.

(b) If the commission does not take custody of a defendant within the period prescribed by Subsection (a), the commission shall:

(1) evaluate the overall health of the defendant in person at least once a week until the defendant is transferred to the appropriate mental health facility; and

(2) 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.

1 (c) The compensation described by Subsection (b)(2) must be
2 equal to the amount that would have been incurred by the commission
3 to confine the defendant for that period.

4 SECTION 2. (a) The change in law made by this Act applies to
5 a defendant for whom an order of commitment is issued before, on, or
6 after the effective date of this Act.

7 (b) Notwithstanding Article 46B.0753(a), Code of Criminal
8 Procedure, as added by this Act, for a defendant who, on the
9 effective date of this Act, is confined in a county jail and
10 awaiting transfer to a mental health facility under an order of
11 commitment, the 21-day period provided by that subsection for the
12 Health and Human Services Commission to take custody of the
13 defendant begins on the effective date of this Act.

14 SECTION 3. This Act takes effect September 1, 2025.