

**SUBJECT:** Prohibiting extended detainment of defendants in jail pending trial

**COMMITTEE:** Criminal Jurisprudence — committee substitute recommended

**VOTE:** 5 ayes — Moody, Bhojani, Bowers, Harrison, C. Morales  
4 nays — Cook, Darby, Leach, Schatzline

**WITNESSES:** For — Lauren Johnson, ACLU of Texas (*Registered, but did not testify*: Adam Haynes, Conference of Urban Counties; Jim Allison, County Judges and Commissioners Association of Texas; Rebekah Chenelle, Dallas County Commissioners Court; Elisa M. Tamayo, El Paso County; Rachel Barr, Texas Appleseed; Justin Martinez, Texas Center for Justice and Equity; Shea Place, Texas Criminal Defense Lawyers Association; Sarah Mae Jennings, Texas Fair Defense Project; Nikki Pressley, Texas Public Policy Foundation)  
  
Against — (*Registered, but did not testify*: John Wilkerson, Texas Municipal Police Association; John Chancellor, Texas Police Chiefs Association)

**BACKGROUND:** Some have suggested that a maximum term of confinement for defendants awaiting trial could help ensure protection against unlawful detainment.

**DIGEST:** CSHB 476 would prohibit the detainment of a defendant who was detained in jail pending trial for a cumulative period of time that exceeded the maximum term of confinement that could be imposed upon conviction of the alleged offense. CSHB 476 would not apply to a defendant who was:

- being evaluated for competency or subject to an order of commitment;
- charged with a class C misdemeanor for public intoxication and no other offense; or
- charged with any other class C misdemeanor if the defendant was also being detained due to an outstanding warrant for any offense.

The bill would apply only to a person who was arrested on or after the effective date of the bill.

The bill would take effect September 1, 2023.