

## **BILL ANALYSIS**

Senate Research Center  
88R19697 MCF-D

H.B. 1563  
By: Harless et al. (Hall)  
Finance  
5/12/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

County jails across Texas over the years have seen varying response times by the Texas Department of Criminal Justice (TDCJ) in accepting prisoners. When a person has a final disposition rendered in a criminal case, the county prepares a "pen packet" containing certain documents required by state law, which is then reviewed by TDCJ. In many cases, the person is held at the county jail, which places the financial burden on the county taxpayer and can lead to overcrowded jails. H.B. 1563 seeks to address these issues by requiring TDCJ to take custody within 45 days of the date a person's pen packet documents are received and certified and by providing for reimbursement to county jails at TDCJ's expense if TDCJ does not take custody of a person following the expiration of that period.

H.B. 1563 requires TDCJ to accept custody of a person awaiting transfer to TDCJ following conviction of a felony, including a state jail felony, not later than the 45th day following the date on which the person's pen packet documents are received and certified. If TDCJ does not take custody of the person within that 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. The compensation must be equal to the amount that would have been incurred by TDCJ to confine the person for that period.

The bill establishes the following with respect to a person who remains confined in the county jail following the expiration of the 45-day period due to a delay caused by the county: the county is not entitled to compensation under the bill for the cost of confinement for any day that the person remains confined due to a delay caused by the county; and the county and TDCJ are required to arrange to transfer the person to TDCJ as soon as practicable after the delay. The bill's provisions regarding TDCJ's compensation to counties apply only to compensation for the cost of confinement of a person that occurs on or after January 1, 2024, regardless of whether the transfer requirements are completed before, on, or after that date. H.B. 1563 amends the Code of Criminal Procedure to prohibit TDCJ from taking a defendant into custody until the designated officer determines that the defendant's pen packet documents do not contain any errors or deficiencies requiring corrective action by the county. H.B. 1563 repeals Section 499.121(c), Government Code.

H.B. 1563 amends current law relating to the confinement in a county jail of a person pending a transfer to the Texas Department of Criminal Justice and to the compensation for certain costs of confinement.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 499.071, Government Code, as follows:

Sec. 499.071. SCHEDULED ADMISSIONS POLICY. Requires the Texas Board of Criminal Justice (TBCJ) to adopt and enforce a scheduled admissions policy that requires the Texas Department of Criminal Justice (TDCJ) to accept persons within 45 days of

processing as required by Section 499.1215, rather than a scheduled admissions policy that permits the institutional division to accept inmates within 45 days of processing as required by Section 499.121(c) (relating to providing that the institutional division has a duty to accept, not later than the 45th day after the date on which all processing required for transfer has been completed, each inmate confined in a county jail while under an order of commitment to the institutional division).

SECTION 2. Amends Subchapter F, Chapter 499, Government Code, by adding Section 499.1215, as follows:

Sec. 499.1215. TRANSFER TO DEPARTMENT; COMPENSATION TO COUNTIES.

(a) Requires TDCJ to take custody of a person awaiting transfer to TDCJ following conviction of a felony, including a state jail felony, not later than the 45th day following the date on which all processing required for transfer has been completed.

(b) Requires TDCJ, if TDCJ does not take custody of a person within the period prescribed by Subsection (a), 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, except as provided by Subsection (c). Requires that the compensation be equal to the amount that would have been incurred by TDCJ to confine the person for that period.

(c) Provides that, if a person remains confined in the county jail following the expiration of the period prescribed by Subsection (a) due to a delay caused by the county:

(1) the county is not entitled to compensation under Subsection (b) for any day that the person remains confined due to the delay caused by the county; and

(2) the county and TDCJ are required to arrange to transfer the person to TDCJ as soon as practicable after the delay.

SECTION 3. Amends Section 8(b), Article 42.09, Code of Criminal Procedure, as follows:

(b) Prohibits TDCJ from taking a defendant into custody under Article 42.09 (Commencement of Sentence; Status During Appeal; Pen Packet) until the designated officer receives certain documents and determines that the documents do not contain any errors or deficiencies requiring corrective action by the county. Requires the designated officer, if the designated officer determines the documents do not require any corrective action, to certify under the seal of TDCJ certain documents. Makes a nonsubstantive change.

SECTION 4. Repealer: Section 499.121(c) (relating to providing that the legislature declares that on and after September 1, 1995, the institutional division has a duty to accept, not later than the 45th day after the date on which all processing required for transfer has been completed, each inmate confined in a county jail while under an order of commitment to the institutional division), Government Code.

SECTION 5. Requires TBCJ, not later than December 31, 2023, to adopt the scheduled admissions policy required by Section 499.071, Government Code, as amended by this Act.

SECTION 6. Makes application of Section 499.1215, Government Code, as added by this Act, prospective to January 1, 2024.

SECTION 7. Effective date: upon passage or September 1, 2023.