

BILL ANALYSIS

Senate Research Center
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S.B. 1276
By: Wentworth
Criminal Justice
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As Filed

DIGEST

Currently, inmates are not liable for the cost of their incarceration in a county jail. Yet the operation and maintenance of a jail is costly. S.B. 1276 would make certain inmates responsible for some costs of the inmate's incarceration.

PURPOSE

As proposed, S.B. 1276 authorizes a court to charge an incarcerated misdemeanor a cost for the confinement in a county jail.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 42, Code of Criminal Procedure, by adding Article 42.038, as follows:

Art. 42.038. REIMBURSEMENT FOR CONFINEMENT EXPENSES. Authorizes a court to sentence a defendant to serve a term of confinement at an additional rate of \$30 per day. Authorizes a court that requires confinement in a county jail to require a defendant to reimburse the county for the defendant's confinement, with the amount of reimbursement determined as if the defendant were serving an executed sentence. Provides that a court that requires reimbursement may require the defendant to reimburse the county only for the days the defendant is confined after the date of conviction or on which a plea of guilty or nolo contendere was entered. Prohibits the court from requiring a defendant to reimburse the county for those days the defendant was confined after arrest and before the date of conviction or on which the pleas of guilty or nolo contendere was entered. Sets forth the status and special circumstances of the defendant that the court must consider in determining whether to order reimbursement. Requires a sheriff to present to the defendant a bill computed with a certain methodology, upon the date the defendant completes his or her confinement. Considers a defendant who is confined in a county jail for a partial day to be confined for the whole day. Authorizes a court to require the defendant to reimburse the county by paying the sheriff the bill within a specified period or in installments. Prohibits the last day of the installment from being later than certain periods and dates.

SECTION 2. Amends Section 2(b), Article 42.22, Code of Criminal Procedure, to provide that the state has a restitution lien to secure the amount of reimbursement for costs of confinement ordered under Article 42.038.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1999.