

## **BILL ANALYSIS**

S.B. 2191  
By: Whitmire  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Reports indicate that in certain circumstances, such as jail overcrowding, counties have chosen to contract with jail facilities outside the county and that there have been cases in which defendants have even been housed in private facilities outside of the state. Concerns have been raised that jail outsourcing not only separates individuals from their families, support systems, and constitutionally protected legal representation, but also that outsourced facilities may not be subject to the same oversight and standards of the Texas Commission on Jail Standards. S.B. 2191 seeks to address these concerns and help ensure that defendants have access to their support systems and legal representation by requiring the pretrial confinement of defendants to be in jails located in Texas and setting out certain prohibitions on the placement of juvenile defendants in facilities outside of Texas.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 2191 amends the Code of Criminal Procedure to require a judge or magistrate who denies a defendant's release on bail pending trial to order that the defendant be confined in a jail located in Texas. The bill revises the requirement for a magistrate to order that a defendant who is unable to provide the required bail bond be confined in a jail by specifying that the jail must be located in Texas.

S.B. 2191 amends the Family Code to specify that a secure detention facility in which a child may be confined after being taken into custody is a facility located in Texas. The bill prohibits the placement of a child, on disposition of a case finding the child in need of rehabilitation or finding a need to protect the public or child, in a facility located outside of Texas unless the receiving facility accepts supervision of the child when the child's parent or other person having legal custody resides or is undertaking residence in that state.

### **EFFECTIVE DATE**

September 1, 2019.