

## **BILL ANALYSIS**

C.S.S.B. 2188  
By: Seliger  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

When opening a private business such as a restaurant or daycare, certain permits and approvals are required. This is done to ensure the health and well-being of local residents. However, there is an ongoing situation occurring in Midland, Texas, where a property owner changed the use of their land without obtaining state and local permits by contracting with the federal government to operate a residential detention facility for immigrant and refugee children on the site. Concerns have been raised about this facility being established without the prior authorization of local government officials and about conditions at this facility. C.S.S.B. 2188 seeks to address this issue by authorizing municipal and county governments to adopt and enforce regulations necessary to ensure that a residential child detention facility meets certain health, safety, and welfare standards.

### **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**

C.S.S.B. 2188 amends the Local Government Code to authorize a municipality or a county to adopt and enforce an ordinance, order, or other regulation that requires a residential child detention facility to do the following:

- provide adequate water, wastewater, or other utilities for the facility; and
- meet reasonable minimum standards that promote the health, safety, and welfare of facility residents.

The bill prohibits a county from imposing such regulations on a facility that is located in the corporate boundaries of a municipality. The bill defines "residential child detention facility" as a private facility, other than a facility licensed by the state, that operates under a contract with a federal agency to provide 24-hour custody or care to unaccompanied immigrant or refugee children.

C.S.S.B. 2188 requires the owner or operator of a proposed residential child detention facility, before entering into a contract with a federal agency to operate as such, to provide notice of the proposed facility to the applicable municipal governing body or county commissioners court and to meet any requirements adopted by the municipality or county under the bill's provisions.

### **EFFECTIVE DATE**

September 1, 2021.

## **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 2188 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute revises the definition of "residential child detention facility" as established in the engrossed to exclude facilities that are licensed by the state.