

**SUBJECT:** Allowing counties to contract for beds in state jails

**COMMITTEE:** Corrections — committee substitute recommended

**VOTE:** 5 ayes — Hightower, Allen, Edwards, Gray, Serna  
0 nays  
4 absent — Alexander, Farrar, Hupp, Marchant

**WITNESSES:** For — None  
Against — None  
On — Thomas A. Baker, Texas Department of Criminal Justice; Debbie Fillmore, Texas Commission on Jail Standards

**DIGEST:** CSHB 1693 would authorize the Texas Department of Criminal Justice's (TDCJ) state jail division, with approval of the Board of Criminal Justice, to designate one or more state jails or a portion of a jail to house county jail inmates. The division could enter into a contract with a county commissioners court to house county inmates only if it would not deny placement in a state jail to a person sentenced to a state jail; the county inmates would be segregated from other inmates in the state jail; and the county jail inmates did not have a history of violent or assaultive behavior in the county jail.

Counties housing their inmates in a state jail would be prohibited from entering into a contract with another county or another state to house the other county's or state's inmates in their county jail or any other correctional facility operated by the county.

**SUPPORTERS SAY:** CSHB 1693 would give counties more flexibility in dealing with their jail populations. Counties would be able to contract with TDCJ's state jail division to use beds in a state jail, if space is available. Some county jails are overcrowded and have had to contract with other counties for space. However, other counties' jails can be many miles away, and in some instances a state jail might be located in the same city as the county needing

additional space. CSHB 1693 would just give counties another option to housing its jail prisoners but would not mandate any contract between counties or state jails.

CSHB 1693 contains safeguards to ensure the authority granted in the bill would not be abused. CSHB 1693 would allow counties to contact for state jail space only if space was available and it would not displace a state jail prisoner. In addition, county prisoners would have to be segregated from state jail prisoners, ensuring that the county jail population, which could include misdemeanants or persons who have not yet been tried, would not be intermingled with the state jail felons who might have committed more serious crimes. County prisoners sent to state jails could not have a history of violent or assaultive behavior in county jails, ensuring that counties would not send dangerous prisoners to the state jails, which are designed for non-violent offenders. The bill also would prohibit counties using state jail beds from housing out-of-state inmates or prisoners from another county so that counties would use their space before contracting with a state jail. Counties and the state jail division could include other provisions in the contract at their discretion.

Currently, counties may send prisoners who are awaiting trial to another county jail, if necessary. CSHB 1693 would simply allow another option of sending such prisoners to a state jail that may be much closer to home than another county.

**OPPONENTS  
SAY:**

CSHB 1693 should prohibit counties from sending to a state jail prisoners who are awaiting trial. This would help ensure that persons awaiting trial are not moved from their lawyers as they prepare their defense.

**NOTES:**

The committee substitute added authority for a portion of a state jail to be used for county inmates.