

- SUBJECT:** Studying correctional facilities and considering build-to-lease contracts
- COMMITTEE:** Corrections — favorable, without amendment
- VOTE:** 5 ayes — Murr, Bailes, Burrows, Slaton, White
- 3 nays — Allen, Rodriguez, Sherman
- 1 absent — Martinez Fischer
- WITNESSES:** For — (*Registered, but did not testify*: Steven Price, The VOICES of Our Veterans; Thomas Parkinson)
- Against — Jorge Renaud and Karen Munoz, LatinoJustice; Lovinah Igbani, Texas Coalition of Black Democrats; Amite Dominick, Texas Prisons Air Conditioning Advocates; Charlie Malouff; Carlee Purdum; (*Registered, but did not testify*: David Johnson, Grassroots Leadership; Becky Morris; Martha Torres)
- On — Shruti Patil, Texas Criminal Justice Coalition; (*Registered, but did not testify*: Douglas Smith, Texas Criminal Justice Coalition; Bryan Collier, Texas Department of Criminal Justice)
- BACKGROUND:** Government Code 495.001 governs contracts with private vendors and commissioners courts for the financing, construction, operation, maintenance and management of correctional facilities.
- It has been suggested that a study could be conducted to assess how to modernize correctional facilities, and to consider entering into build-to-lease contracts with private vendors for new facilities that could meet inmates' needs.
- DIGEST:** HB 1921 would require the Texas Department of Criminal Justice (TDCJ) to conduct a study to identify changes needed to modernize the correctional facilities operated by the department.

In conducting the study, TDCJ would have to consider any change or method that would modernize a facility, including those that would result in:

- decreased deferred maintenance costs;
- improved energy efficiency;
- efficient use of staff and other resources; and
- increased availability of funds to be used by the department to provide criminal justice programs, pay the costs of health care provided to inmates, and increase compensation to correctional officers.

TDCJ would also have to consider the use of build-to-lease contracts for any new facilities necessary to meet the department's needs. The bill would establish requirements for any facility constructed under a build-to-lease contract.

In conducting the study and implementing changes identified, the board and the department, as applicable, would have to consult with:

- the Correctional Managed Health Care Committee;
- the Windham School District;
- a chaplain under contract with the department;
- correctional officers;
- social scientists with specializations in corrections; and
- other relevant stakeholders.

The governor would have to establish the Texas Prison Repurposing Commission (TPRC) to evaluate existing facilities operated by TDCJ and provide advice and recommendations to the board regarding which facilities should be retained and renovated or repurposed for continued use by TDCJ, or repurposed for use by another state agency or the private sector.

In appointing members to the TPRC, the governor would have to ensure

the commission included members of the Legislature, representatives of counties and municipalities, and members of the public.

The board and the department would have to begin to implement any changes identified to modernize TDCJ's facilities by January 1, 2022. The bill's provisions relating to the study would expire January 1, 2027.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

NOTES:

According to the Legislative Budget Board, the fiscal implications of the bill cannot be determined at this time as potential changes identified to modernize correctional facilities are unknown.