

**SUBJECT:** Allowing local regulation of certain residential child detention facilities

**COMMITTEE:** State Affairs — committee substitute recommended

**VOTE:** 13 ayes — Paddie, Hernandez, Deshotel, Harless, Howard, Hunter, P. King, Lucio, Metcalf, Raymond, Shaheen, Slawson, Smithee

0 nays

**SENATE VOTE:** On final passage, April 20 — 31-0

**WITNESSES:** For — (*Registered, but did not testify:* Clifford Sparks, City of Dallas; Kirk Broaddus; Susana Carranza; Dorothy Ann Compton)

Against — None

**BACKGROUND:** Some have raised concerns about the ability of private property owners to contract with the federal government to establish a residential detention facility for immigrant and refugee children without prior authorization from local government authorities and about the lack of local oversight of the conditions at such a facility.

**DIGEST:** CSSB 2188 would authorize a municipality or county to adopt and enforce an ordinance, order, or other regulation that required a private residential child detention facility that was not licensed by the state and operated under a contract with a federal agency to:

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

A county could not regulate a residential child detention facility located in the corporate boundaries of a municipality.

Before entering into a contract with a federal agency to operate as a

residential child detention facility, the owner or operator of the proposed facility would be required to:

- provide notice of the proposed facility to the governing body of a municipality or county commissioners court, as applicable; and
- meet any requirements that the applicable local government had adopted under the bill's provisions.

The bill would take effect September 1, 2021.