

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 367  
By: Brown  
Criminal Justice  
4-15-97  
Committee Report (Substituted)

### **DIGEST**

The Texas Commission on Jail Standards was created in 1975 to set minimum standards for the operation of jail facilities in 242 counties and to inspect facilities for compliance with those standards. The commission also regulates 11 private correctional facilities that operate by contract with a city or county. The commission is subject to the Sunset Act and will be abolished September 1, 1997 unless continued by the legislature. This bill recommends continuation of the commission and provides several statutory modifications.

### **PURPOSE**

As proposed, C.S.S.B. 367 recommends continuation of the Texas Commission on Jail Standards and provides several statutory modifications.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Commission on Jail Standards in SECTION 9 (Sections 511.0093(b) and (c), Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 511.001, Government Code, to define "correctional facility," "federal prisoner," and "inmate."

SECTION 2. Amends Section 511.003, Government Code, to provide that, unless continued in existence as provided by Chapter 325, the Commission on Jail Standards (commission) is abolished and this chapter expires September 1, 2009, rather than September 1, 1997.

SECTION 3. Amends Section 511.004, Government Code, by amending Subsections (a) and (f), and adding Subsections (g) and (h), to require four members of the commission to be representatives of the general public, rather than citizens of this state who do not hold another public office. Adds standard language developed by the Sunset Commission regarding appointments.

SECTION 4. Amends Section 511.0041(c), Government Code, to add standard language developed by the Sunset Commission regarding removal from the commission.

SECTION 5. Amends Section 511.0071, Government Code, by adding Subsection (f), to add standard language developed by the Sunset Commission regarding complaints.

SECTION 6. Amends Sections 511.008(h) and (i), Government Code, to require the policy statement on equal opportunity developed by the executive director or the executive director's designee to include certain information regarding underuse of certain persons. Requires the policy statement to be reviewed by the Commission on Human Rights for compliance with Subsection (h)(1). Makes conforming and nonsubstantive changes.

SECTION 7. Amends Section 511.009(a), Government Code, to require the commission to schedule announced and unannounced inspections of jails under its jurisdiction based on the jail's history of compliance with commission standards and other high-risk factors identified by the commission. Makes conforming changes.

SECTION 8. Amends Section 511.0091(d), Government Code, to provide that all money paid to the commission under this chapter is subject to Subchapter F, Chapter 404. Deletes existing text regarding funds.

SECTION 9. Amends Chapter 511, Government Code, by adding Sections 511.0092-511.0096, as follows:

Sec. 511.0092. **CONTRACTS FOR OUT-OF-STATE INMATES.** Sets forth entities authorized to operate a correctional facility to house in this state inmates convicted of offenses committed against the laws of another state. Sets forth requirements for contracts to house out-of-state inmates. Authorizes the governing body of a municipality or a county commissioners court, notwithstanding certain provisions, to enter into a contract with a private vendor to provide professional services under this section if the commission reviews and approves the private vendor's qualifications to provide such services and the terms of the proposed contract comply with this section.

Sec. 511.0093. **RULES AND FEES RELATED TO OUT-OF-STATE INMATES.** Authorizes the commission to impose a fee on certain private vendors. Requires the fee to reasonably compensate the commission for the cost of regulating and providing technical assistance to the facility. Authorizes the commission to adopt rules regulating the number of federal prisoners and prisoners from jurisdictions other than Texas that are housed in certain facilities. Authorizes the commission to adopt rules regulating jails or correctional facilities described by Subsection (b) as necessary to protect the health and safety of prisoners described by Subsection (b), local and Texas prisoners, jail personnel, and the public.

Sec. 511.0094. **EXCLUSION OF JAILS OR CORRECTIONAL FACILITIES HOUSING ONLY FEDERAL PRISONERS.** Provides that the provisions of this chapter do not apply to certain correctional facilities. Provides that, if a county, municipality, or private vendor contracts to house or begins to house state, county, or municipal prisoners or prisoners of another state of the United States, it shall report to the commission before placing such inmates in a correctional facility housing only federal prisoners.

Sec. 511.0095. **AUTHORITY TO HOUSE OUT-OF-STATE INMATES.** Requires nothing in this chapter to be construed to limit the authority of the state granted under Article 42.19, Code of Criminal Procedure, or other applicable law to house in this state inmates convicted of offenses committed against the laws of another state of the United States.

Sec. 511.0096. **TERMINATION OF CONTRACTS FOR OUT-OF-STATE INMATES.** Authorizes the commission to require the receiving facility to terminate a contract under Section 511.0092(d)(6), if the commission determines that the receiving facility is needed to house inmates convicted of offenses against the laws of the state and funds have been appropriated by the state to compensate the receiving facility for the incarceration of the inmates.

SECTION 10. Repealer: Section 351.043(e), Local Government Code (Federal Prisoners).

SECTION 11. Sets forth regulations regarding the effect of this Act on current members of the commission. Makes application of this Act prospective.

SECTION 12. Effective date: September 1, 1997.

SECTION 13. Emergency clause.

## **SUMMARY OF COMMITTEE CHANGES**

### SECTION 1.

Amends Section 511.001(6), Government Code, to redefine "inmate" to include persons confined in a correctional facility operated by a county, a municipality, or a private vendor.

SECTION 6.

Makes a nonsubstantive change.

SECTION 7.

Makes a nonsubstantive change.

SECTION 8.

Makes a nonsubstantive change.

SECTION 9.

Amends Section 511.0092(b), Government Code, to authorize a county commissioners court or the governing body of a municipality, rather than a county or a municipality, to enter into certain contracts.

Adds Section 511.0092(h), Government Code, to provide regulations regarding a contract between a municipality or a county and a private vendor.

Adds Section 511.0095, Government Code, regarding the authority of the state to house out-of-state inmates.

Adds Section 511.0096, Government Code, regarding the termination of a contract for out-of-state inmates.

SECTION 10.

Makes a nonsubstantive change.