

## **BILL ANALYSIS**

Senate Research Center  
78R6672 GWK-F

H.B. 2071  
By: Pitts (Averitt)  
Criminal Justice  
5/10/2003  
Engrossed

### **DIGEST AND PURPOSE**

The Texas Commission on Jail Standards is charged by state law with adopting and enforcing standards for the safe and efficient operation of county jails. Occasionally, a facility will be determined to be out of compliance because of minor deviations from the established standards. Many times these minor shortcomings are the result of architectural anomalies attributed to facilities built before the current standards were adopted or minor construction deficiencies that have no impact on the safe, sanitary and healthy operation of a jail facility. When these conditions arise, the Attorney General has ruled that it is uncertain that the Jail Standards Commission may grant a variance that is valid for the life of these facilities so, consequently, these variances are granted for only one year at a time. The annual application for these minor variances is time consuming and causes uncertainty for counties when they are planning for future detention facility need. H.B. 2071 provides the Texas Commission on Jail Standards with the unquestioned authority to grant reasonable variance that may last for the life of a facility if the variances are clearly justified by the facts and will allow for the healthy, sanitary, and safe operation of a jail facility.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 511.009, Government Code, by adding Subsection (c), to authorize the Commission on Jail Standards (commission), at any time and on the application of the county commissioners or sheriff, to grant reasonable variances, including variances that are to last for the life of a facility, clearly justified by the facts, for operation of a facility not in strict compliance with state law. Prohibits a variance from permitting unhealthy, unsanitary, or unsafe conditions.

SECTION 2. Amends Section 511.012(a), Government Code, to delete text authorizing the commission, on application of the county commissioners or sheriff, to grant reasonable variances to operate a county jails that fails to meet the full compliance requirements. Deletes text prohibiting a variance from permitting an unhealthily, unsanitary, or unsafe condition.

SECTION 3. Effective date: upon passage or September 1, 2003.