

BILL ANALYSIS

Senate Research Center
78R13488 KCR-F

H.B. 3517
By: Gallego (Madla)
Criminal Justice
5/18/2003
Engrossed

DIGEST AND PURPOSE

Currently, state law allows jails that house only federal prisoners, and which are owned by a city or private entity, to be regulated only under federal regulations on prisons. Counties that own a prison housing only federal prisoners have the added burden of state regulation in addition to the federal regulations they follow.

By striking the phrase "other than a county jail" in Section 511.0094, Government Code, H.B. 3517 would allow county jails that house only federal prisoners to be excluded from the provisions of Chapter 511, Texas Government Code.

Under the current provisions of Government Code, Section 511.0094, if a county contracts to house (or begins to house) state, county, or municipal prisoners or prisoners of another U.S. state, the county is required to report to the Texas Commission on Jail Standards before placing such inmates in a correctional facility housing only federal prisoners. Consequently, if a county were to begin housing prisoners other than federal prisoners, the full provisions of Chapter 511 would apply.

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 511.0094, Government Code, to delete text providing that the provisions of this chapter do not apply to a correctional facility, "other than a county jail," contracting to house only federal prisoners.

SECTION 2. Effective date: September 1, 2003.