

BILL ANALYSIS

Senate Research Center
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H.B. 1770
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, when an offender is approved for parole, the Texas Department of Criminal Justice (TDCJ) contracts with halfway houses and county jails for those offenders who do not have approved addresses. These halfway houses and county jails often remain at maximum contract capacity and, as a result, offenders who have been approved for parole must wait in prison. TDCJ has the authority to make payment for other housing options that are less expensive and in the offender's county of residence.

H.B. 1770 further clarifies TDCJ's authority relating to the payment of temporary housing costs for certain inmates released or eligible for release on parole or to mandatory supervision.

H.B. 1770 amends the Government Code to make the authorization for TDCJ to issue payment for the cost of temporary post-release housing for an inmate who is eligible for release on parole or to mandatory supervision and for a releasee contingent on TDCJ's not operating or contracting for the operation of a residential correctional facility in the county of legal residence of the inmate or releasee. The bill requires the temporary post-release housing, in addition to meeting other requirements, to be in a structure that existed on June 1, 2009, as a multifamily residence or as a motel to which Tax Code provisions relating to the hotel occupancy tax apply.

The bill prohibits the amount of payment issued for temporary post-release housing from exceeding an amount equal to the cost TDCJ would incur, for the period for which the payment is issued, to incarcerate the inmate or release in a facility operated by or under contract with TDCJ or to house the inmate or release in a residential correctional facility. The bill requires the executive director of TDCJ to adopt rules to implement the bill's provisions and removes the specification that those rules ensure that the food, hygiene, and clothing needs of an inmate or release on whose behalf payment is issued for temporary post-release housing are adequately met during the period for which the payment is issued. The bill authorizes TDCJ to issue payment for temporary post-release housing for a structure that did not exist on June 1, 2009, as a multifamily structure residence or a motel if, before issuing payment, TDCJ or the owner of the structure provides, in the same manner as lawfully required for a community corrections facility, notice of the proposed use of the structure and a hearing on the issue of whether the use is appropriate.

H.B. 1770 requires the report prepared by TDCJ, including specific statistics on the issuance of payment for temporary post-release housing for the preceding year, to be submitted to the presiding officer of each legislative standing committee with primary jurisdiction over TDCJ, rather than to the Criminal Justice Legislative Oversight Committee. The bill requires TDCJ to submit the report not later than September 30 of each year, rather than September 30, 2010, for the first report, and September 30, 2011, for the second report, and extends the expiration date of the provisions in law relating to the submission of the report from January 1, 2012, to January 1, 2014. The bill makes its provisions applicable only to an inmate who is eligible for release on parole or to mandatory supervision on or after September 1, 2011, or who is released on parole or to mandatory supervision on or after that date. The bill defines "residential correctional facility."

H.B. 1770 amends current law relating to the payment of temporary housing costs for certain inmates released or eligible for release on parole or to mandatory supervision.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive director of the Texas Department of Criminal Justice is modified in SECTION 1 (Section 508.157, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 508.157, Government Code, by adding Subsections (a-1) and (e-1) and amending Subsections (b), (c), (e), (f), and (g), as follows:

(a-1) Defines, in this section, "residential correctional facility."

(b) Authorizes the Texas Department of Criminal Justice (TDCJ), if TDCJ does not operate or contract for the operation of a residential correctional facility in the county of legal residence of an inmate or releasee, to issue, rather than to issue payment for the cost of temporary post-release housing, for an inmate described by Subsection (a) or for a releasee, payment for the cost of temporary post-release housing that:

(1) meets any conditions or requirements imposed by a parole panel;

(2) is located in the county of legal residence of the inmate or releasee; and

(3) except as provided by Subsection (e-1), is in a structure that existed on June 1, 2009, as a multifamily residence or as a motel to which Section 156.001 (Definition), Tax Code, applies.

Makes a nonsubstantive change.

(c) Prohibits the amount of payment issued under Subsection (b) from exceeding an amount that is equal to the cost TDCJ would incur, for the period for which the payment is issued, to:

(1) incarcerate the inmate or releasee in a facility operated by or under contract with the department; or

(2) house the inmate or releasee in a residential correctional facility, rather than incarcerate the inmate for the period for which the payment is issued.

(e) Requires the executive director of TDCJ to adopt rules as necessary to implement this section, rather than to adopt rules as necessary to implement this section, including rules that ensure that the food, hygiene, and clothing needs of an inmate or releasee on whose behalf payment is issued under this section are adequately met during the period for which the payment is issued.

(e-1) Authorizes TDCJ to issue payment for post-release housing under Subsection (b) for a structure not described by Subsection (b)(3) if, before issuing payment, TDCJ or the owner of the structure provides, in the same manner as required for a community corrections facility under Section 509.010 (Public Meeting), notice of the proposed use of the structure under this section and a hearing on the issue of whether the use is appropriate.

(f) Requires TDCJ, not later than September 30 of each year, rather than not later than September 30, 2010, for the first report and September 30, 2011, for the second report, to submit to the presiding officer of each legislative standing committee with primary jurisdiction over TDCJ, rather than the Criminal Justice Legislative Oversight Committee, a report that covers the period of August 1 of the year preceding the year in which the report is submitted through September 1 of the year in which the report is submitted and that includes:

- (1) the total number of inmates and releasees on whose behalf payment is issued under this section;
- (2) the total dollar amount of payments issued under this section; and
- (3) the county of release and the county of legal residence of each inmate or releasee on whose behalf payment is issued under this section.

(g) Provides that this subsection and Subsection (f) expire January 1, 2014, rather than January 1, 2012.

SECTION 2. Provides that the change in law made by this Act applies only to an inmate who is eligible for release on parole or to mandatory supervision on or after September 1, 2011, or who is released on parole or to mandatory supervision on or after that date.

SECTION 3. Effective date: upon passage or September 1, 2011.