

BILL ANALYSIS

Senate Research Center
87R3435 MCF-F

H.B. 719
By: White; Collier (Whitmire)
Criminal Justice
4/30/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Transfer facilities were constructed in the early 1990s to alleviate overcrowding in county jails and to house thousands of inmates sentenced to state prisons who were backed up in local jails because the prisons were full. The transfer facilities were to hold the inmates for up to two years, as a way to clear the backlog from local jails and avoid millions of dollars in fines levied by courts due to overcrowding.

Restrictions enacted by the legislature on the use of the transfer facilities preclude most inter-unit transfers to the facility and require moving inmates from the transfer facility upon reaching the two-year limit. The flexibility to house justice-involved individuals in appropriate settings has always been necessary, but it has become even more important in recent years as the Texas Department of Criminal Justice (TDCJ) has implemented strategies related to COVID-19, heat mitigation, staffing shortages, and natural disasters.

Even though the days of overcrowding have long since passed, statutory references to "transfer facilities" impede the ability of TDCJ to efficiently and properly assign justice-involved individuals. H.B. 719 seeks to solve the problem by removing statutory references to "transfer facilities" and repealing related provisions.

This bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. This change is supported by TDCJ.

H.B. 719 repeals Government Code provisions relating to TDCJ transfer facilities and amends that code to eliminate statutory references to those facilities. H.B. 719 repeals the following provisions of the Government Code:

- Subchapter G, Chapter 499;
- Section 507.006(b); and
- Section 511.017(a)(3)

If passed, the effective date would be September 1, 2021.

H.B. 719 amends current law relating to Texas Department of Criminal Justice transfer facilities.

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 493.015(b), Government Code, to delete existing text requiring the Texas Department of Criminal Justice (TDCJ) to identify those inmates who are confined in a transfer facility awaiting transfer to the institutional division and for whom TDCJ is unable to reasonably ascertain whether or not the person is an illegal criminal alien.

SECTION 2. Amends Section 498.002, Government Code, to delete existing text authorizing TDCJ to classify each inmate as soon as practicable on the inmate's arrival at a transfer facility and requiring TDCJ, subject to the requirements of Section 498.005 (Annual Review of Classification; Retroactive Award of Good Time), to reclassify the inmate as circumstances warrant. Makes a conforming change.

SECTION 3. Amends Section 498.004(a), Government Code, to make a conforming change.

SECTION 4. Amends Sections 498.0042(a) and (b), Government Code, to make conforming changes.

SECTION 5. Amends Section 500.006(b), Government Code, to make a conforming change.

SECTION 6. Amends Section 507.006(a), Government Code, as follows:

(a) Authorizes the state jail division, with the approval of the Texas Board of Criminal Justice, notwithstanding any other provision of Subchapter A (State Jail Felony Facilities), to designate one or more state jail felony facilities or discrete areas within one or more state jail felony facilities to house inmates who are sentenced to imprisonment in the institutional division, rather than house inmates who are eligible for confinement in a transfer facility under Section 499.152 (Eligible Inmates), but only if the designation does not deny placement in a state jail felony facility of defendants required to serve terms of confinement in a facility following conviction of state jail felonies.

SECTION 7. Amends Section 508.081(2), Government Code, to delete existing text defining "inmate" for purposes of Subchapter C (Representation of Inmates) to include a person confined in a transfer facility.

SECTION 8. Amends the heading to Section 511.017, Government Code, to read as follows:

Sec. 511.017. DUTIES RELATED TO STATE JAIL FELONY FACILITIES.

SECTION 9. (1) Repealer: Subchapter G (Transfer Facilities), Chapter 499, Government Code.

(2) Repealer: Section 507.006(b) (relating to the applicability of certain sections to certain inmates eligible for confinement in a transfer facility), Government Code.

(3) Repealer: Section 511.017(a)(3) (relating to the definition of "transfer facility"), Government Code.

SECTION 10. Effective date: September 1, 2021.