

SUBJECT: Releasing out-of-state inmates in home state

COMMITTEE: Corrections — favorable, without amendment

VOTE: 7 ayes — Hightower, Alexander, Farrar, Gray, Hupp, Marchant, Serna
0 nays
2 absent — Allen, Edwards

WITNESSES: For — None
Against — None
On — Debbie Fillmore, Texas Commission on Jail Standards

DIGEST: HB 485 would require Texas cities, counties and private jails operating under local authority that contract to house out-of-state criminals in their correctional facilities to require in the contract that the inmates be released from custody in the state that sent them.

HB 485 would apply only to contracts entered into after the bill took effect, which would be immediately if it is finally approved by a two-thirds record vote of the membership in each house.

SUPPORTERS SAY: HB 485 is necessary to ensure that out-of-state criminals released from local jails are returned to their home state instead of being freed in Texas. In an effort to fill empty jail beds local correctional facilities began contracting in late 1995 with other states to house their inmates. Texas jails now house about 5,000 out-of-state inmates, and releasing these inmates in Texas could result in more crime and more demand on state social services. HB 485 would ensure Texas does not become a dumping ground for other states' criminals.

Since 1996 the state Commission on Jail Standards has required that contracts mandate the release of out-of-state inmates to their home state. However, this administrative rule does not have the weight of state law. HB 485 would strengthen this policy by making it law and ensure that it could

HB 485
House Research Organization
page 2

be changed only by the Legislature. The jail standards commission rule was enacted only last year and without HB 485 could be changed at the whim of the commission. HB 485 ensures this important policy is encoded in state law.

OPPONENTS
SAY:

It is unnecessary to codify a current rule of the Commission on Jail Standards. Since 1996 the rule has worked to ensure that out-of-state inmates are not released in Texas. The commission on jail standards should retain the flexibility to govern contracts concerning out-of-state inmates without unnecessary statutory restrictions.

NOTES:

The companion bill, SB 450 by Nelson, is pending in the Senate Criminal Justice Committee.