

- SUBJECT:** Requiring TDCJ to install air conditioning systems in its facilities
- COMMITTEE:** Corrections — committee substitute recommended
- VOTE:** 8 ayes — Murr, Allen, Bailes, Martinez Fischer, Rodriguez, Sherman, Slaton, White
- 0 nays
- 1 absent — Burrows
- WITNESSES:** For — Lauren Johnson, ACLU of Texas; Jorge Renaud, Latino Justice; Karen Munoz, LatinoJustice PRLDEF; Lovinah Igbani, Texas Coalition of Black Democrats; Shruti Patil, Texas Criminal Justice Coalition; Amite Dominick, Texas Prisons Air Conditioning Advocates; Steven Price, The VOICES of Our Veterans; Charlie Malouff; Becky Morris; Carlee Purdum; Charles Roberts; Martha Torres; (*Registered, but did not testify:* Susana Carranza, League of Women Voter of Texas; Maggie Luna, Statewide Leadership Council; Amelia Casas, Texas Fair Defense Project; Thomas Parkinson)
- Against — None
- On — (*Registered, but did not testify:* Cody Ginsel, Ron Steffa, Bryan Collier, and Bobby Lumpkin, Texas Department of Criminal Justice)
- BACKGROUND:** Concerns have been raised that the temperature requirements for local and county jails do not apply to state prison and jail facilities and that Texas' regularly hot summer weather has resulted in illness and death for inmates and employees of the state's criminal justice system. Some have called for the Legislature to require the Texas Department of Criminal Justice to install air conditioning in all its facilities to address this problem.
- DIGEST:** CSHB 1971 would require the Texas Department of Criminal Justice (TDCJ) to contract with a private entity through a competitive bidding process to purchase and install climate control systems at each facility

operated by the department not currently equipped with a climate control system capable of maintaining the temperature in required temperature-controlled areas of the facility between 65 and 85 degrees Fahrenheit.

The bill would define a “required temperature-controlled area” as the following areas of a facility operated by the department: hospitals; visiting areas; housing or dormitory areas; trustee areas; areas used for medical treatment or care, including areas used for dispensing medication to inmates; kitchens or dining areas; food preparation areas; community areas, including dayrooms; laundry areas; areas used for work stations; indoor recreational areas, including gymnasiums; restroom and shower areas and other areas related to inmate hygiene; administrative areas; correctional officer stations, including guard post areas; commissary areas; areas used for programmatic, educational, or vocational purposes; chapels or churches; libraries; and maintenance areas.

TDCJ would have to install the climate control systems in the following phases, with each phase consisting of the installation of systems at approximately one-third of the department’s facilities at a cost not to exceed \$100 million per phase:

- phase one to be completed by December 31, 2024;
- phase two to be completed by December 31, 2026; and
- phase three to be completed by December 31, 2028.

In conducting the competitive bidding process, the department would have to solicit bids for the entire scope of the project, provided that the department could solicit bids for each phase of the project if necessary or beneficial. In soliciting bids and determining the requirements for the phased implementation of the project, TDCJ would have to prioritize the efficient use of state resources and consider factors such as:

- the type of climate control systems needed for each facility, including the architectural design of each facility;
- the ability of any existing climate control systems in each facility to maintain the air temperature in the required temperature-controlled

- areas of the facility within the required temperature range;
- the comparable abilities of different climate control systems to maintain the temperature within the required temperature range, including the total cellblock or dormitory square footage each system was capable of maintaining at that temperature; and
- the use of inmate labor to decrease costs.

TDCJ would have to implement a provision of the bill only if the Legislature allocated available federal funds specifically for that purpose or appropriated state funds to the department for the purpose of implementing a provision of the bill. The department could not otherwise implement a provision of the bill using state funds.

The bill's provisions would expire January 1, 2031.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

**NOTES:**

According to the Legislative Budget Board, the bill would have a negative impact of about \$286.4 million in all funds through fiscal 2028.