

## **BILL ANALYSIS**

Senate Research Center

H.B. 1142  
By: Patterson (Cain)  
Criminal Justice  
5-18-97  
Committee Report (Amended)

### **DIGEST**

For many counties in the state that have limited jail facilities, jail overcrowding is a constant problem. In many instances, arrested persons are released or bonded out within 72 hours. Current law requires counties to report the total number of inmates confined in the county jail on the first day of each month. This provides an unrealistic representation of the actual inmate population with regards to those inmates which are reported but were only incarcerated for a period of less than 72 hours. Consequently, a county can be considered to be in violation of jail population requirements adopted by the Commission on Jail Standards. This bill will provide new regulations regarding the determination of the inmate population of a county jail.

### **PURPOSE**

As proposed, H.B. 1142 provides new regulations regarding the determination of the inmate population of a county jail.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 511.0101(b), Government Code, to authorize the Commission on Jail Standards to consider adoption of an order to prohibit confinement of prisoners in the county jail under Section 511.012, if the report establishes that a county jail has been operated in excess of its total capacity for three consecutive months.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Emergency clause.  
Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

Amendment 1.

Amend by striking SECTION 1 and substituting the following:

(b) The commission shall prescribe a form for the report required by this section. If the report established that a county jail has been operated in excess of its total capacity for three consecutive months, the commission may consider adoption of an order to prohibit confinement of prisoners in the county jail under Section 511.012.