

BILL ANALYSIS

Senate Research Center

S.B. 1009
By: Whitmire
Criminal Justice
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As Filed

DIGEST

Currently, Texas law contains no regulatory provisions relating to correctional facilities that house inmates convicted of offenses against the laws of another state of the United States. This legislation sets up a regulatory framework for out-of-state inmates in private facilities and public jails in Texas, including subjecting facilities to regular state inspections, returning out-of-state inmates to sending states, matching inmates to appropriate facilities, and requiring certain jail operators to reimburse the state for emergency purposes. In addition, S.B. 1009 requires any private jail that seeks to house out-of-state inmates to operate under a contract with the city or county. This bill also grants the Texas Commission on Jail Standards the authority to ensure orderly and safe incarceration of out-of-state inmates in private facilities, and to approve custody levels, jail capacity, and emergency plans.

PURPOSE

As proposed, S.B. 1009 establishes provisions regarding correctional facilities that house inmates convicted of offenses against the laws of another state of the United States.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Commission on Jail Standards in SECTION 1 (Sections 511.0093(a) and (b), Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 511.001, Government Code, to define "correctional facility," "federal prisoner," and "inmate." Makes conforming changes.

SECTION 2. Amends Chapter 511, Government Code, by adding Sections 511.0092-511.0094, as follows:

Sec. 511.0092. **CONTRACTS FOR OUT-OF-STATE INMATES.** Provides that the only entities other than the state that are authorized to operate a correctional facility to house in this state inmates convicted of offenses committed against the laws of another state of the United States are a county or municipality, and a private vendor operating a correctional facility under a contract with a county or municipality. Sets forth the terms by which a county or municipality is authorized to enter into a contract with another state or a jurisdiction in another state. Prohibits a private vendor operating a correctional facility in this state from entering into a contract for the purposes of Subsection (a) with another state or a jurisdiction in another state. Sets forth the provisions which a contract must contain. Establishes the conditions under which the Commission on Jail Standards (commission) is authorized to waive the requirement that a contract contain the provision described by Subsection (d)(4). Requires a county, municipality, or private vendor operating under a contract described by Subsection (b) to fulfill certain requirements. Authorizes the commission to require the sending state or an entity described in Section 511.0092(a) to reimburse the state for certain costs.

Sec. 511.0093. **DUTIES RELATED TO OUT-OF-STATE INMATES.** Authorizes the commission to adopt rules regulating the number of federal prisoners and prisoners from jurisdictions other than Texas that are housed in certain jails and facilities. Authorizes the

commission to adopt other rules regulating jails or correctional facilities described by Subsection (a) as necessary to protect the health and safety of those prisoners, local and Texas prisoners, jail personnel, and the public.

Sec. 511.0094. EXCLUSION OF JAILS OR CORRECTIONAL FACILITIES HOUSING ONLY FEDERAL PRISONERS. Establishes that the provisions of this chapter do not apply to certain correctional facilities contracting to house only federal prisoners and operating pursuant to a contract between a unit of the federal government and certain entities. Requires a county, municipality, or private vendor which contracts to house or begins to house state, county, or municipal prisoners or prisoners of another state of the United States, to report to the commission before placing such inmates in a correctional facility housing only federal prisoners.

SECTION 3. Repealer: Section 351.043(e), Local Government Code (regarding the authority of the Texas Board of Criminal Justice to adopt rules regulating the number of federal prisoners and prisoners from jurisdictions other than Texas in a county jail).

SECTION 4. Emergency clause.
Effective date: upon passage.