

BILL ANALYSIS

Senate Research Center

S.B. 367
By: Brown
Criminal Justice
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As Filed

DIGEST

The Texas Commission on Jail Standards was created in 1975 to set minimum standards for the operation of jail facilities in 242 counties and to inspect facilities for compliance with those standards. The commission also regulates 11 private correctional facilities that operate by contract with a city or county. The commission is subject to the Sunset Act and will be abolished September 1, 1997 unless continued by the legislature. This bill recommends continuation of the commission and provides several statutory modifications.

PURPOSE

As proposed, S.B. 367 recommends continuation of the Texas Commission on Jail Standards and provides several statutory modifications.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Commission on Jail Standards in SECTION 9 (Sections 511.0093(b) and (c), 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."

SECTION 2. Amends Section 511.003, Government Code, to provide that, unless continued in existence as provided by Chapter 325, the Commission on Jail Standards (commission) is abolished and this chapter expires September 1, 2009, rather than September 1, 1997.

SECTION 3. Amends Section 511.004, Government Code, by amending Subsections (a) and (f), and adding Subsections (g) and (h), to require four members of the commission to be representatives of the general public, rather than citizens of this state who do not hold another public office. Adds standard language developed by the Sunset Commission regarding appointments.

SECTION 4. Amends Section 511.0041(c), Government Code, to add standard language developed by the Sunset Commission regarding removal from the commission.

SECTION 5. Amends Section 511.0071, Government Code, by adding Subsection (f), to add standard language developed by the Sunset Commission regarding complaints.

SECTION 6. Amends Sections 511.008(h) and (i), Government Code, to require the policy statement on equal opportunity developed by the executive director or the executive director's designee to include certain information regarding underuse of certain persons. Requires the policy statement to be reviewed by the Commission on Human Rights for compliance with Subsection (h)(1). Makes conforming and nonsubstantive changes.

SECTION 7. Amends Section 511.009(a), Government Code, to require the commission to schedule announced and unannounced inspections of jails under its jurisdiction based on the jail's history of compliance with commission standards and other high-risk factors identified by the commission. Makes conforming changes.

SECTION 8. Amends Section 511.0091(d), Government Code, to provide that all money paid to the commission under this chapter is subject to Subchapter F, Chapter 404. Deletes existing text regarding funds.

SECTION 9. Amends Chapter 511, Government Code, by adding Sections 511.0092-511.0094, as follows:

Sec. 511.0092. **CONTRACTS FOR OUT-OF-STATE INMATES.** Sets forth entities authorized to operate a correctional facility to house in this state inmates convicted of offenses committed against the laws of another state. Sets forth requirements for contracts to house out-of-state inmates.

Sec. 511.0093. **RULES AND FEES RELATED TO OUT-OF-STATE INMATES.** Authorizes the commission to impose a fee on certain private vendors. Requires the fee to reasonably compensate the commission for the cost of regulating and providing technical assistance to the facility. Authorizes the commission to adopt rules regulating the number of federal prisoners and prisoners from jurisdictions other than Texas that are housed in certain facilities. Authorizes the commission to adopt rules regulating jails or correctional facilities described by Subsection (b) as necessary to protect the health and safety of prisoners described by Subsection (b), local and Texas prisoners, jail personnel, and the public.

Sec. 511.0094. **EXCLUSION OF JAILS OR CORRECTIONAL FACILITIES HOUSING ONLY FEDERAL PRISONERS.** Provides that the provisions of this chapter do not apply to certain correctional facilities. Provides that, if a county, municipality, or private vendor contracts to house or begins to house state, county, or municipal prisoners or prisoners of another state of the United States, it shall report to the commission before placing such inmates in a correctional facility housing only federal prisoners.

SECTION 10. Repealer: Section 351.043(e), Local Government Code (Federal Prisoners).

SECTION 11. Sets forth regulations regarding the effect of this Act on current member of the commission. Makes application of this Act prospective.

SECTION 12. Effective date: September 1, 1997.

SECTION 13. Emergency clause.