

## **BILL ANALYSIS**

Senate Research Center  
81R20848 KCR-D

H.B. 2289  
By: Madden et al. (Whitmire)  
Criminal Justice  
5/9/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas Department of Criminal Justice (TDCJ) operates 112 prison facilities located in different regions throughout the state. Presently, all male inmates who have finished serving their sentences are required to be released from TDCJ's Huntsville facility, while all female inmates are required to be released from TDCJ's Gatesville facility. The costs of transporting a person from any of the many units in Texas where the inmate served the sentence to Huntsville or Gatesville are considerable. In addition, TDCJ policy requires the placement of correctional officers on each bus when transferring inmates, thus taking three to four guards out of the units and exacerbating the correctional officer shortage.

H.B. 2289 requires TDCJ to release any inmate eligible for release at or near the prison facility in which the inmate's sentence was served and to designate six or more facilities operated by TDCJ as regional release facilities. The bill authorizes TDCJ to discharge or release an inmate from a facility that is not the facility nearest to the facility in which the inmate is serving the inmate's sentence if TDCJ determines that such a discharge or release is not in the best interest of the inmate or would threaten public safety.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 493, Government Code, by adding Section 493.029, as follows:

Sec. 493.029. LOCAL AND REGIONAL RELEASE AND DISCHARGE PROCEDURE. (a) Requires the Texas Department of Criminal Justice (TDCJ) to establish a procedure through which an inmate being discharged from TDCJ or being released on parole or to mandatory supervision is discharged or released, as applicable, from:

(1) the facility in which the inmate is serving the inmate's sentence; or

(2) the facility designated as a regional release facility under Subsection (b) that is nearest to the facility in which the inmate is serving the inmate's sentence.

(b) Requires TDCJ to designate six or more facilities operated by TDCJ as regional release facilities from which an inmate being discharged from TDCJ or being released on parole or to mandatory supervision may be discharged or released, as applicable, rather than being released under Subsection (a)(1). Authorizes TDCJ, if TDCJ determines that discharging or releasing an inmate under Subsection (a) is not in the best interest of the inmate or would threaten the safety of the public, to release the inmate from a regional release facility designated under this subsection other than the facility described by Subsection (a)(2).

SECTION 2. Requires TDCJ to establish and implement the local and regional discharge and release procedure required by Section 493.029, Government Code, as added by this Act, as soon as possible after September 1, 2009, and in no event later than September 1, 2010.

SECTION 3. Effective date: September 1, 2009.