

BILL ANALYSIS

Senate Research Center
81R10280 JSC-F

S.B. 2176
By: Shapleigh
Criminal Justice
4/27/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

More and more Texas counties are finding themselves overburdened financially by inmates who are crowding county jails. More specifically, these jails are overrun by paper-ready inmates, or inmates in county custody awaiting transfer to the Texas Department of Criminal Justice (TDCJ) Institutional Division following a conviction of a felony or revocation of probation, parole or release on mandatory supervision and for whom all paperwork and processing required under Section 8(a) (relating to a county that transfers a defendant to the Texas Department of Criminal Justice), Article 42.09 (Commencement of Sentence; Status During Appeal; Pen Packet), Code of Criminal Procedure, for transfer has been completed.

El Paso County has experienced long delays in inmate transfers, resulting in additional unfunded mandates to the county. The number of paper-ready inmates held in El Paso County grew by 2,433, or 10.10 percent in fiscal year 2008, when compared to fiscal year 2007, and those inmates who exceeded the 45-day stay in fiscal year 2008, totaled 222, an increase of 68 or 44.16 percent in comparison to fiscal year 2007.

As proposed, S.B. 2176 amends current law relating to the timely transfer of inmates from certain county jails to the Texas Department of Criminal Justice.

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 Subchapter F, Chapter 499, Government Code, by adding Section 499.127, as follows:

Sec. 499.127. REQUIRED TRANSFER OF INMATES FROM CERTAIN COUNTIES.

(a) Provides that this section applies only to the Texas Department of Criminal Justice's (TDCJ) acceptance of an inmate who is under an order of commitment to TDCJ and who is confined in a county jail in a county in which the average number of days that an inmate eligible for transfer to TDCJ remains in the county jail exceeds the statewide average number of days an inmate eligible for transfer remains in a county jail before the inmate is accepted by TDCJ.

(b) Requires TDCJ, notwithstanding Section 499.121(c) (relating to a declaration by the legislature) or any other law, to accept an inmate described by Subsection (a) not later than the date that corresponds to the statewide average number of days an inmate eligible for transfer remains in a county jail before the inmate is accepted by TDCJ.

SECTION 2. Provides that Section 499.127, Government Code, as added by this Act, applies only to the acceptance by TDCJ of an inmate who is confined in a county jail and is under an order of commitment to TDCJ that is entered on or after the effective date of this Act. Provides that the acceptance by TDCJ of an inmate who is confined in a county jail and is under an order of commitment to TDCJ that is entered before the effective date of this Act is governed by the law in effect on the date the order of commitment was entered, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: upon passage or September 1, 2009.