

## **BILL ANALYSIS**

Senate Research Center  
87R3822 BDP-F

H.B. 954  
By: Dutton (Campbell)  
Criminal Justice  
5/15/2021  
Engrossed

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

The Texas Department of Criminal Justice (TDCJ) currently has authorized more than 100 alternative housing facilities for parolees in Houston. Concerns have been raised that stakeholders do not have a role in TDCJ approval of alternative housing facilities, despite local ordinances that may set out public safety criteria for these facilities. Instead, local governments can only obtain location and occupancy data for TDCJ-approved facilities through a cumbersome public information request process. Otherwise, these local governments have no knowledge of these approved facilities or parolee placement, which prohibits them from addressing complaints from residents regarding overcrowded or nuisance locations that may be housing parolees. Building safety for those living in and around these facilities is paramount and warrants a change in state law to allow easier access to information regarding these facilities.

H.B. 954 seeks to address this by requiring operators of and applicants seeking to provide alternative housing to submit documentation of compliance with municipal and county regulations and by requiring TDCJ to facilitate the provision of information on such facilities. It amends the Government Code to prohibit the Texas Board of Criminal Justice (TBCJ) from entering into a lease or contract with an operator of an alternative housing facility that is located in a county with a population of 3.3 million or more unless the operator submits to TBCJ a permit or other documentation showing that the facility is in compliance with all applicable municipal and county regulations.

The bill requires TDCJ to require an applicant seeking to participate as a provider of alternative housing for two or more unrelated releasees in a county with a population of 3.3 million or more to submit with the application copies of a permit or other documentation showing that the proposed alternative housing facility is in compliance with all applicable municipal and county regulations.

It also specifies information TDCJ is required to maintain regarding facilities providing such housing and releasees housed at the facilities and requires TDCJ, on request of a county or municipality, to provide that information monthly by secured email and in a machine-readable format. If a county or municipality does not want to continue to receive the information, the county or municipality is required to notify TDCJ. The bill requires TDCJ to provide the information set out by the bill to a member of the legislature on request.

H.B. 954 amends current law relating to certain contract and notice requirements applicable to certain facilities used to house inmates or releasees from 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 Section 493.010, Government Code, as follows:

Sec. 493.010. CONTRACTS FOR MISCELLANEOUS HOUSING. (a) Creates this subsection from existing text and makes no further changes.

(b) Prohibits the Texas Board of Criminal Justice (TBCJ) from entering into a lease or contract with an operator of an alternative housing facility that is located in a county with a population of 3.3 million or more unless the operator submits to TBCJ a permit or other documentation showing that the facility is in compliance with all applicable municipal and county regulations.

SECTION 2. Amends Chapter 508, Government Code, by adding Subchapter E-1, as follows:

#### SUBCHAPTER E-1. ALTERNATIVE HOUSING IN CERTAIN COUNTIES

Sec. 508.171. APPLICABILITY. Provides that this subchapter applies only with respect to alternative housing that is located in a county with a population of 3.3 million or more.

Sec. 508.172. ALTERNATIVE HOUSING PROGRAM. Requires the Texas Department of Criminal Justice (TDCJ) to require that an applicant to participate as a provider in a program designed to provide alternative housing for two or more unrelated releasees submit with the application, in the manner specified by TDCJ, a permit or other documentation showing that the proposed alternative housing facility is in compliance with all applicable municipal and county regulations.

Sec. 508.173. INFORMATION REGARDING ALTERNATIVE HOUSING; NOTICE TO POLITICAL SUBDIVISION. (a) Requires TDCJ to maintain the following information regarding releasees:

(1) a list of facilities providing alternative housing to two or more unrelated releasees, including certain information about the facility; and

(2) a list of releasees being housed at a facility described by Subdivision (1), including certain information about the releasee;

(b) Requires TDCJ, on request of a county or municipality, to provide monthly the information maintained by TDCJ under Subsection (a). Requires a county or municipality to notify TDCJ if the county or municipality does not want to continue to receive the information.

(c) Requires TDCJ to provide the information to a county or municipality under Subsection (b) by secured electronic mail and in a machine-readable format.

(d) Requires TDCJ, on request by a member of the legislature, to provide the information maintained by TDCJ under Subsection (a) to the member.

SECTION 3. (a) Provides that Section 493.010, Government Code, as amended by this Act, applies only to a lease or contract entered into on or after the effective date of this Act.

(b) Provides that Section 508.172, Government Code, as added by this Act, applies only to an application to participate in a program described by that section that is submitted on or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2021.