

By: White

H.B. No. 105

A BILL TO BE ENTITLED

AN ACT

relating to the modernization of correctional facilities operated by the Texas Department of Criminal Justice.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 495.001(a), Government Code, is amended to read as follows:

(a) The board may contract with a private vendor or with the commissioners court of a county for the financing, construction, operation, maintenance, or management of a secure correctional facility, including entering into a contract with a private vendor under which the vendor will construct the facility and lease the facility to the board for use by the department.

SECTION 2. (a) In this section:

(1) "Board" means the Texas Board of Criminal Justice.

(2) "Build-to-lease contract" means a contract between the board and a private vendor under which the private vendor constructs a secure correctional facility and leases the facility to the board for use by the department.

(3) "Department" means the Texas Department of Criminal Justice.

(b) The department shall conduct a study to identify changes needed to modernize the correctional facilities operated by the department. In conducting the study, the department shall consider:

1 (1) any change or method that would modernize a
2 facility, including any change or method that would result in:

- 3 (A) decreased deferred maintenance costs;
4 (B) improved energy efficiency;
5 (C) efficient use of staff and other resources;

6 and

7 (D) increased availability of funds to be used by
8 the department to:

- 9 (i) provide criminal justice programs;
10 (ii) pay the costs of health care provided
11 to inmates; and
12 (iii) increase compensation to
13 correctional officers; and

14 (2) the use of build-to-lease contracts for any new
15 facilities necessary to meet the department's needs.

16 (c) Not later than June 1, 2022, the board and the
17 department, as applicable, shall begin to implement any changes
18 identified under Subsection (b) of this section to modernize the
19 department's facilities.

20 (d) Notwithstanding any other law, any facility constructed
21 under a build-to-lease contract and the contract, as applicable,
22 must comply with the following requirements:

23 (1) the contract must require the private vendor to
24 maintain the facility;

25 (2) the department must retain control over the
26 operational aspects of the facility, including security, health
27 care for inmates, and food service;

1 (3) the construction of the facility, after accounting
2 for any repurposing of existing facilities for non-correctional
3 uses, may not result in an increase in the total maximum capacity of
4 all facilities operated by the department;

5 (4) the facility must comply with the American
6 Correctional Association standards for secure facilities;

7 (5) the design of the facility must:

8 (A) enhance the health and safety of correctional
9 officers, staff members, and inmates in the facility;

10 (B) facilitate the rehabilitation and
11 reintegration of inmates; and

12 (C) be consistent with any applicable provision
13 in Subtitle G, Title 4, Government Code, including any provision
14 regarding incarcerated women;

15 (6) the department and the private vendor shall
16 consider the use of inmate labor for the purpose of allowing the
17 inmates to gain employment skills and earn a wage; and

18 (7) if the board determines it necessary to name a
19 facility constructed under this section, the name of the facility
20 must commemorate a resident of this state who:

21 (A) died as a result of a personal injury
22 sustained in the line of duty as a correctional officer; or

23 (B) made significant contributions to the public
24 safety of this state.

25 (e) In conducting the study and implementing the changes
26 identified in the study, the board and the department, as
27 applicable, shall consult with the following:

- 1 (1) the Correctional Managed Health Care Committee;
- 2 (2) the Windham School District;
- 3 (3) a chaplain under contract with the department;
- 4 (4) correctional officers;
- 5 (5) social scientists with specializations in
- 6 corrections; and
- 7 (6) any other relevant stakeholder as determined by
- 8 the board or department.

9 (f) The governor shall establish the Texas Prison
10 Repurposing Commission to evaluate existing facilities operated by
11 the department and provide advice and recommendations to the board
12 regarding which facilities should be:

- 13 (1) retained and renovated or repurposed for continued
- 14 use by the department; or
- 15 (2) repurposed for use by another state agency or the
- 16 private sector.

17 (g) In appointing members to the Texas Prison Repurposing
18 Commission, the governor shall ensure the commission includes:

- 19 (1) members of the legislature;
- 20 (2) representatives of counties and municipalities;
- 21 and
- 22 (3) members of the public.

23 (h) This section expires January 1, 2027.

24 SECTION 3. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect on the 91st day after the last day of the
2 legislative session.