

BILL ANALYSIS

H.B. 2071
By: Pitts
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Commission on Jail Standards is charged by state law with adopting and enforcing standards for the safe and efficient operation of county jails. Occasionally, a facility will be determined to be out of compliance because of minor deviations from the established standards. Many times these minor shortcomings are the result of architectural anomalies attributed to facilities built before the current standards were adopted or minor construction deficiencies that have no impact on the safe, sanitary and healthy operation of a jail facility. When these conditions arise, the Attorney General has ruled that it is uncertain that the Jail Standards Commission may grant a variance that is valid for the life of these facilities so, consequently, these variances are granted for only one year at a time. The annual application for these minor variances is time consuming and causes uncertainty for counties when they are planning for future detention facility needs.

The Purpose of HB 2071 is to provide the Texas Commission on Jail standards with the unquestioned authority to grant reasonable variance that may last for the life of a facility if the variances are clearly justified by the facts and will allow for the healthy, sanitary, and safe operation of a jail facility.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Section 1 amends Section 511.009, Government Code, by adding language that creates subsection (c) so that the Jail Standards Commission may grant variances for the life of a facility, so long as the variances will allow for the healthy, sanitary and safe operation of a jail facility.

Section 2 amends Section 511.012 (a), Government Code by deleting language that is similar to the language added under Section 1. The deleted language is rendered redundant by the addition of subsection (c) of Section 511.009, Government Code.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

