

BILL ANALYSIS

C.S.H.B. 3517
By: Gallego
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, state law allows jails that house only federal prisoners, and who are owned by a city or private entity, to be regulated only under federal regulations on prisons. Counties that own a prison housing only federal prisoners have the added burden of state regulation in addition to the federal regulations they follow.

By striking the phrase “other than a county jail” in Section 511.0094, Government Code, HB 3517 would allow county jails that house only federal prisoners to be excluded from the provisions of Chapter 511, Texas Government Code.

Under the current provisions of Government Code Section 511.0094, if a county contracts to house (or begins to house), state, county, or municipal prisoners or prisoners of another U.S. state, the county is required to report to the Texas Commission on Jail Standards before placing such inmates in a correctional facility housing only federal prisoners. Consequently, if a county were to begin housing prisoners other than federal prisoners, the full provisions of Chapter 511 would apply.

This bill would currently only affect a small number of counties which operate these type of facilities.

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 511.0094 of the Government Code by striking the phrase “other than a county jail.”

SECTION 2. Effective Date.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by being a legislative council draft.