

By: Pitts

H.B. No. 2071

A BILL TO BE ENTITLED

AN ACT

relating to variances granted by the Commission on Jail Standards.

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

SECTION 1. Section 511.009, Government Code, is amended by adding Subsection (c) to read as follows:

(c) At any time and on the application of the county commissioners or sheriff, the commission may grant reasonable variances, including variances that are to last for the life of a facility, clearly justified by the facts, for operation of a facility not in strict compliance with state law. A variance may not permit unhealthy, unsanitary, or unsafe conditions.

SECTION 2. Section 511.012(a), Government Code, is amended to read as follows:

(a) The commission shall grant the county or sheriff a reasonable period of not more than one year after the date of the report under Section 511.011 to comply with commission rules and procedures and state law. [~~On application of the county commissioners or sheriff, the commission may grant reasonable variances, clearly justified by the facts, for operation of a county jail not in strict compliance with state law. A variance may not permit unhealthy, unsanitary, or unsafe conditions.~~]

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2003.