

1-1 By: Pitts (Senate Sponsor - Averitt) H.B. No. 2071
1-2 (In the Senate - Received from the House April 14, 2003;
1-3 April 15, 2003, read first time and referred to Committee on
1-4 Criminal Justice; May 21, 2003, reported favorably by the
1-5 following vote: Yeas 6, Nays 0; May 21, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to variances granted by the Commission on Jail Standards.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 511.009, Government Code, is amended by
1-11 adding Subsection (c) to read as follows:

1-12 (c) At any time and on the application of the county
1-13 commissioners or sheriff, the commission may grant reasonable
1-14 variances, including variances that are to last for the life of a
1-15 facility, clearly justified by the facts, for operation of a
1-16 facility not in strict compliance with state law. A variance may
1-17 not permit unhealthy, unsanitary, or unsafe conditions.

1-18 SECTION 2. Section 511.012(a), Government Code, is amended
1-19 to read as follows:

1-20 (a) The commission shall grant the county or sheriff a
1-21 reasonable period of not more than one year after the date of the
1-22 report under Section 511.011 to comply with commission rules and
1-23 procedures and state law. [~~On application of the county~~
1-24 ~~commissioners or sheriff, the commission may grant reasonable~~
1-25 ~~variances, clearly justified by the facts, for operation of a~~
1-26 ~~county jail not in strict compliance with state law. A variance may~~
1-27 ~~not permit unhealthy, unsanitary, or unsafe conditions.]~~

1-28 SECTION 3. This Act takes effect immediately if it receives
1-29 a vote of two-thirds of all the members elected to each house, as
1-30 provided by Section 39, Article III, Texas Constitution. If this
1-31 Act does not receive the vote necessary for immediate effect, this
1-32 Act takes effect September 1, 2003.

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