

BILL ANALYSIS

Senate Research Center
79R8111 MFC-D

S.B. 951
By: Estes
Criminal Justice
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Inmate labor is often used to help maintain non-profit, private cemeteries with markers over 50 years old. This option is allowed by statute, but only in counties with a population of less than 40,000. This means that a county that utilizes inmates for upkeep in these cemeteries must stop that practice when the county's population reaches 40,000.

As proposed, S.B. 951 removes the population cap, thus allowing each county commissioners court to decide locally if using inmate labor is the best option to meet the county's needs. S.B. 951 also clarifies that counties have this authority in the Health and Safety Code and in the Code of Criminal Procedure.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 713.028(a) and (c), Health and Safety Code, as follows:

- (a) Includes county inmate labor as provided by Article 43.10 (Manual Labor), Code of Criminal Procedure, amongst the resources a commissioners court is authorized to use to maintain a cemetery that has a grave marker more than 50 years old.
- (c) Authorizes a county, at the discretion of the commissioners court, to permit the use of public funds, county employees, county inmate labor, and county equipment to open and close graves in a cemetery described by Subsection (a). Deletes existing text regarding maintenance of a cemetery in a county with a certain population.

SECTION 2. Amends Article 43.10, Code of Criminal Procedure, to authorize certain convicted parties to be put to labor upon maintenance projects for a cemetery that the commissioners court uses public funds, county employees, or county equipment to maintain under Section 713.028 (County Care of Cemetery Older than 50 Years), Health and Safety Code.

SECTION 3. Provides that the change in law made by Section 2 of this Act applies to a person who is convicted of an offense with respect to which Article 43.10, Code of Criminal Procedure, applies regardless of whether the conviction occurs before, on, or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2005.