

BILL ANALYSIS

C.S.H.B. 2100
By: Haggerty
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In previous legislative sessions there were bills passed to alleviate the financial burden that geriatric and chronically ill inmates place on our criminal justice system by allowing certain inmates to be considered for release on Medically Recommended Intensive Supervision (MRIS). Unfortunately, this category of inmates continues to pose a burden on our prison system because there is a lack of appropriate, qualified and conveniently located facilities to house and provide specialized care for this population of individuals.

In previous years, MRIS patients could be released to a qualified facility in South Texas, but since inmates must volunteer to be released under these conditions and inmates were refusing to be sent to such a desolate location, the state quit using the facility.

CSHB 2100 allows the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) and the Department of Aging and Disability Services (DADS) to enter into a lease agreement with a real estate investment trust to finance, design, and build a medical facility to house inmates released on MRIS in a county contiguous to an urban area. This bill also allows TCOOMMI and DADS to contract with a private vendor to provide treatment services at such a 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

CSHB 2100 provides that the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) and the Department of Aging and Disability Services (DADS) may jointly, with a real estate investment trust, enter into a lease agreement 20 or fewer years in length to finance, design, and build in a county contiguous to an urban area a medical facility to house inmates released on medically recommended intensive supervision under Section 508.146, Government Code. This bill also allows TCOOMMI and DADS to contract with a private vendor to provide treatment services at a facility described by Subdivision (1), Section 508.146 (g), Government Code.

CSHB 2100 changes the application of the definition of "urban area" from applying only to subsection (d), Section 508.146, Government Code, to apply to all of Section 508.146.

This bill updates statute by making necessary name changes.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill replaced Texas Department of Human Services with Texas Department of Assistive and Rehabilitative Services (DARS) in Section 508.146 (d), Government Code. The substitute replaces Texas Department of Human Services with Department of Aging and Disability Services (DADS) in Section 508.146 (d), Government Code.

The original bill provides that the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) and DARS may jointly, with a real estate investment trust, enter into a lease agreement 20 or fewer years in length to finance, design, and build in a county contiguous to an urban area a medical facility to house inmates released on medically recommended intensive supervision under Section 508.146, Government Code. The original bill also allows TCOOMMI and DARS to contract with a private vendor to provide treatment services at a facility described by Subdivision (1), Section 508.146 (g), Government Code. The substitute did not change these provisions, it simply substituted DARS with DADS.