

BILL ANALYSIS

C.S.H.B. 2699
By: Turner
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A primary function of the Commission on Jail Standards is to ensure county jails meet minimum jail standards of construction, maintenance and operation. Achieving compliance with minimum jail standards reduces a jail's liability and provides a safe and secure environment. To further enhance the compliance functions of counties with three consecutive failed annual inspections, C.S.H.B. 2699 provides for a special monitor to provide more intensive monitoring of the jail.

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 Chapter 511, Government Code, by adding Section 511.018 as follows:

Section 511.018. SPECIAL MONITORS. (a) Authorizes the executive director of the Commission on Jail Standards (commission) to place any correctional facility that fails three consecutive annual inspections due to management-related deficiencies under a special monitor.

(b) Provides that for the purposes of Subsection (a), a correctional facility that fails an annual inspection due to management-related deficiencies but subsequently corrects those deficiencies and passes a reinspection is not considered to have failed an annual inspection.

(c) Requires the executive director to select persons with whom the commission shall contract to serve as special monitors for the commission. Requires the commission to provide training and supervision for persons with whom the commission contracts under this subsection.

(d) Provides that in selecting special monitors, the executive director shall: (1) select persons who are not employees of the commission or a correctional facility; (2) comply with any applicable requirement or standard established by the Texas Building and Procurement Commission; and (3) use criteria related to the nature of the deficiency that resulted in the facility's report of noncompliance.

(e) Provides that a contract entered under this section must: (1) set an amount of monthly compensation to be paid to the special monitor; and (2) expire on the 90th day after the date the correctional facility under review and monitoring by the special monitor is certified by the commission to comply with all applicable state laws and minimum standards with respect to which the facility was found to have management-related deficiencies.

(f) Provides that a special monitor shall: (1) ensure that the correctional facility is taking adequate measures to remedy any management-related deficiency that resulted in the facility's report of noncompliance; (2) suggest in writing to the correctional facility additional measures the facility could take to remedy any deficiency described by Subdivision (1); (3) provide to each entity that owns the correctional facility or that is responsible for the operation of the correctional

facility a written quarterly report concerning the status and progress of the review; and (4) provide to the commission at each regular quarterly commission meeting the report described by Subdivision (3).

(g) Provides that at the end of each month any portion of which a special monitor reviewed a correctional facility, the special monitor shall submit to the executive director of the commission a bill for the review and monitoring of the correctional facility conducted by the special monitor. If the executive director determines the bill complies with the terms of the special monitor's contract, the executive director shall immediately forward the bill to the county or municipality that operates the correctional facility or for which a private vendor operates the correctional facility.

(h) Provides that a county or municipality that receives a bill from the executive director of the commission under Subsection (g) shall make payment on the bill in the same manner as the county or municipality makes payment on other county or municipal obligations.

SECTION 2. Amends Section 511.0091, Government Code, by adding Subsection (e) as follows: (e) To reimburse the commission for costs incurred in implementing and administering Section 511.018, Government Code, the commission shall collect a fee from a county or municipality that operates a correctional facility or for which a private vendor operates a correctional facility that is placed under a special monitor under that section. The fee must be in an amount equal to two percent of the total amount paid by the county or municipality to the special monitor under Section 511.018(h).

SECTION 3. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill authorizes a monitor when a jail fails annual inspection three consecutive times, even if the jail passes reinspection after failing the annual inspection. The substitute adds language which specifies that the failed inspections must be due to management-related deficiencies, whereas the original bill simply refers to failing three consecutive annual inspections. Additionally, the substitute contains language that starts the count over anytime the jail passes reinspection.

The substitute restricts the scope of the activities of the monitor to the management-related deficiencies that caused the jail to fail inspection. The substitute also requires that the special monitor provide a written quarterly report (the original bill does not specify that the report be written) concerning the status and progress of the review to each entity that owns the correctional facility or that is responsible for the operation of the correctional facility, rather than to the correctional facility under review by the special monitor, as in the original bill.

The original bill requires the special monitor to provide to the commission at each regular quarterly commission meeting a status report concerning each facility under review with the special monitor. The substitute also requires the special monitor to provide a report to the commission at each quarterly meeting, but specifies that the special monitor is required to provide the report described by Subdivision (3), Section 511.018 (f), Government Code.

The substitute provides that the county shall pay the monitor directly out of its own funds, rather than indirectly through collections by the Commission on Jail Standards.

HB 2699 provides that a contract entered under Section 511.018, Government Code, must expire on the 90th day after the date the correctional facility under review and monitoring by the special monitor is certified by the commission to comply with all applicable state laws and minimum standards adopted by the commission. CSHB 2699 provides that a contract entered under

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Section 511.018, Government Code, must expire on the 90th day after the date the correctional facility under review and monitoring by the special monitor is certified by the commission to comply with all applicable state laws and minimum standards with respect to which the facility was found to have management-related deficiencies.

HB 2699 requires the special monitor to suggest to a correctional facility described by Subdivision (1), Section 511.018(d) additional measures the facility could take to remedy any deficiency described by Subdivision (2), Section 511.018(d). CSHB 2699 requires the special monitor to suggest *in writing* to the correctional facility additional measures the facility could take to remedy any deficiency described by Subdivision (1), Section 511.018(f).