

By: Dutton

H.B. No. 2512

A BILL TO BE ENTITLED

AN ACT

relating to the capacity and location of correctional facilities operated by the Texas Youth Commission and the transfer of correctional facilities from the Texas Youth Commission to the Texas Department of Criminal Justice.

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

SECTION 1. Subchapter C, Chapter 61, Human Resources Code, is amended by adding Sections 61.055 and 61.056 to read as follows:

Sec. 61.055. MAXIMUM CAPACITY. (a) Except as provided by Subsection (b), the total maximum capacity for residential facilities, including halfway houses, operated by or under contract with the commission is 3,000.

(b) Subject to the approval of the governor, the commission may confine more than 3,000 children in residential facilities operated by or under contract with the commission if the commission determines that the number of children committed to the commission who are in need of placement in residential facilities exceeds 3,000.

Sec. 61.056. RESIDENTIAL FACILITIES. (a) To ensure that a child committed to the commission is confined in a residential facility located in or near the county in which the child resides, the commission:

(1) shall operate one or more community-based residential facilities in each county in this state that has a

1 population of at least 600,000; and

2 (2) may operate a community-based residential
3 facility in any other county.

4 (b) Notwithstanding other law, the commission may confine a
5 child committed to the commission only in a community-based
6 residential facility described by Subsection (a).

7 (c) Except as otherwise provided by this subsection, the
8 commission may confine a child committed to the commission only in a
9 residential facility that is located in the county in which the
10 child resides. A child committed to the commission who resides in a
11 county in which the commission does not operate a residential
12 facility may be confined only in the residential facility that is
13 nearest to the county in which the child resides.

14 (d) The commission may not confine more than 100 children in
15 any residential facility operated by or under contract with the
16 commission.

17 (e) Not later than September 1, 2008, the commission shall
18 transfer to the Texas Department of Criminal Justice any
19 residential facility designed to house more than 100 children that
20 is owned by this state and operated by or under contract with the
21 commission. This subsection expires October 1, 2008.

22 SECTION 2. Section 61.049, Human Resources Code, is
23 repealed.

24 SECTION 3. (a) Not later than September 1, 2008, the Texas
25 Youth Commission shall comply with the requirements prescribed by
26 Sections 61.055 and 61.056, Human Resources Code, as added by this
27 Act.

1 (b) On September 1, 2008:

2 (1) all residential facilities designed to house more
3 than 100 children that are operated by or under contract with the
4 Texas Youth Commission, including any contracts or leases related
5 to those facilities, are transferred to the Texas Department of
6 Criminal Justice; and

7 (2) each employee of a residential facility designed
8 to house more than 100 children that is operated by or under
9 contract with the Texas Youth Commission must reapply to the Texas
10 Youth Commission to continue employment with the commission.

11 (c) The Texas Department of Criminal Justice may use a
12 residential facility transferred to the department under
13 Subsection (b) of this section in a manner determined by the
14 department.

15 SECTION 4. This Act takes effect September 1, 2007.