

BILL ANALYSIS

C.S.H.B. 2289
By: Madden
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Department of Criminal Justice (TDCJ) operates 112 prison facilities located in different regions throughout the state. Presently, all male inmates who have finished serving their sentences are required to be released from TDCJ's Huntsville facility, while all female inmates are required to be released from TDCJ's Gatesville facility. The costs of transporting a person from any of the many units in Texas where the inmate served the sentence to Huntsville or Gatesville are considerable. In addition, TDCJ policy requires the placement of correctional officers on each bus when transferring inmates, thus taking three to four guards out of the units and exacerbating the correctional officer shortage.

C.S.H.B. 2289 requires TDCJ to release any inmate who is slated for release at or near the prison facility in which the inmate's sentence was served and to designate six or more facilities operated by TDCJ as regional release facilities. The bill authorizes TDCJ to discharge or release an inmate from a facility that is not the facility nearest to the facility in which the inmate is serving the inmate's sentence if TDCJ determines that such a discharge or release is not in the best interest of the inmate or would threaten public safety.

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

C.S.H.B. 2289 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ) to establish a procedure through which an inmate being discharged from TDCJ or being released on parole or to mandatory supervision is discharged or released, as applicable, from the facility in which the inmate is serving the inmate's sentence, or from a facility designated as a regional release facility that is nearest to the facility in which the inmate is serving the inmate's sentence. The bill requires TDCJ to designate six or more facilities operated by TDCJ as regional release facilities from which an inmate being discharged from TDCJ or being released on parole or to mandatory supervision may be discharged or released, as applicable, rather than being released from the facility in which the inmate is serving the inmate's sentence. The bill authorizes TDCJ, if TDCJ determines that discharging or releasing an inmate under the procedure required by the bill's provisions is not in the best interest of the inmate or would threaten public safety, to release the inmate from one of the designated regional release facilities, other than the designated facility that is nearest to the facility in which the inmate is serving the inmate's sentence. The bill requires TDCJ to establish and implement the procedure as soon as possible after the effective date of the bill, and not later than September 1, 2010.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2289, in the provision relating to an alternative facility from which an inmate may be released under the procedure required by the bill, specifies that the facility designated as a regional release facility is the facility nearest to the facility in which the inmate is serving the inmate's sentence, rather than the facility that is 75 or fewer miles away from the facility in which the inmate is serving the inmate's sentence as in the original. The substitute adds provisions not in the original requiring the Texas Department of Criminal Justice (TDCJ) to designate six or more facilities operated by TDCJ as regional release facilities and authorizing TDCJ to discharge or release an inmate from a facility that is not nearest to the facility in which the inmate is serving the sentence in instances in which TDCJ determines that discharging or releasing an inmate in the manner provided by the bill is not best for the inmate or the safety of the public.