

BILL ANALYSIS

H.B. 3903
By: Ortiz, Jr.
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a sheriff may authorize a county to contract with a private organization or vendor to build and operate private jails in the county. The employees of such a company are only accountable to that company and not to the public, and there are no provisions under current law that require a decision to contract for a private jail to be debated. In addition, current law does not prohibit a sheriff or any county officer or employee from receiving a benefit from a private entity that contracts with the county, and the records of a private company that operates a private jail are not open to the public under public information laws.

H.B. 3903 requires the commissioners court in any county that seeks to contract for a private jail to hold a public hearing in each commissioners precinct to allow the public an opportunity to comment on the proposed contract. The bill establishes a state jail felony for a county employee or officer who accepts a benefit from a private entity that contracts with the county, and provides that records relating to a private jail maintained by a private entity on behalf of a county are subject to release to the public in the same manner as information maintained by a governmental body.

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

H.B. 3903 amends the Local Government Code to require a commissioners court, before entering into a contract with a private organization to place inmates in a detention facility operated by that organization, to hold a public hearing in each commissioners precinct to allow the public to make comments regarding the proposed contract. The bill establishes notice requirements for the hearing.

H.B. 3903 makes it a state jail felony offense for an employee or officer of a county to accept a benefit from a private entity that contracts with the county for a detention facility. The bill makes information collected, assembled, or maintained by a private entity that is not a governmental body in connection with the operation, maintenance, repair, or construction of a detention facility or related facility operated under contract with the county subject to Texas public information laws, in the same manner as information collected, assembled, or maintained by a governmental body, but only if the information is related to the operation, maintenance, repair, or construction of the facility. The bill defines "benefit."

EFFECTIVE DATE

September 1, 2009.