

By: Phillips

H.B. No. 1270

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of a county to regulate the location of
3 halfway houses in the unincorporated areas of the county.

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

5 SECTION 1. Subchapter Z, Chapter 240, Local Government
6 Code, is amended by adding Section 240.908 to read as follows:

7 Sec. 240.908. LAND USE RESTRICTIONS FOR HALFWAY HOUSES.

8 (a) In this section, "halfway house" means a residential facility
9 that:

10 (1) is independently operated by a private entity,
11 including a nonprofit organization;

12 (2) is not operated under contract with an agency or
13 political subdivision of the state; and

14 (3) is operated for the purpose of housing two or more
15 individuals who are not related by consanguinity or affinity and
16 who have been:

17 (A) placed on community supervision under
18 Article 42.12, Code of Criminal Procedure;

19 (B) released on parole or to mandatory
20 supervision under Chapter 508, Government Code; or

21 (C) placed on or released on or to the functional
22 equivalent of community supervision, parole, or mandatory
23 supervision under the laws of another state or federal law.

24 (b) The commissioners court of a county by order may

1 regulate or prohibit the construction or operation of a halfway
2 house in an unincorporated area of the county.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2009.