

By: Dutton

H.B. No. 1714

A BILL TO BE ENTITLED

AN ACT

relating to the repeal of the authority of a county to contract with a private entity for jail facilities.

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

SECTION 1. It is the policy of the state that the public interest is best served if inmates are housed in a jail facility that is owned and operated by a governmental entity accountable to the elected officials of the county and the taxpayers who fund the facility.

SECTION 2. Section 495.024, Government Code, is amended to read as follows:

Sec. 495.024. RELEASE OF OUT-OF-STATE INMATES. A county or a municipality or a private vendor operating a correctional facility under a contract with a [~~county under Subchapter F, Chapter 351, Local Government Code, or a~~] municipality under Subchapter E, Chapter 361, Local Government Code, that enters into a contract with any entity to house in this state inmates convicted of offenses committed against the laws of another state of the United States must require as a condition of the contract that each inmate to be released from custody must be released in the sending state.

SECTION 3. Sections 511.0092(a) and (h), Government Code, are amended to read as follows:

(a) The only entities other than the state that are

1 authorized to operate a correctional facility to house in this  
2 state inmates convicted of offenses committed against the laws of  
3 another state of the United States are:

- 4 (1) a county or municipality; and
- 5 (2) a private vendor operating a correctional facility  
6 under a contract with a county under former Subchapter F, Chapter  
7 351, Local Government Code, as it existed on January 1, 2009, or a  
8 municipality under Subchapter E, Chapter 361, Local Government  
9 Code.

10 (h) Notwithstanding the provisions of Chapter 252[~~, Chapter~~  
11 ~~262, Subchapter F, Chapter 351,~~] or Subchapter E, Chapter 361,  
12 Local Government Code, the governing body of a municipality [~~or a~~  
13 ~~county commissioners court~~] may enter into a contract with a  
14 private vendor to provide professional services under this section  
15 if the commission reviews and approves the private vendor's  
16 qualifications to provide such services and the terms of the  
17 proposed contract comply with this section.

18 SECTION 4. Section 89.001(2), Health and Safety Code, is  
19 amended to read as follows:

20 (2) "County jail" means a facility operated by or for a  
21 county for the confinement of persons accused or convicted of an  
22 offense and includes:

23 (A) a facility operated by or for a county for the  
24 confinement of persons accused or convicted of an offense;

25 (B) a county jail or a correctional facility  
26 authorized under former [~~by~~] Subchapter F, Chapter 351, Local  
27 Government Code, as it existed on January 1, 2009; and

1                   (C) a county correctional center authorized by  
2 Subchapter H, Chapter 351, Local Government Code.

3           SECTION 5. Subchapter F, Chapter 351, Local Government  
4 Code, is repealed.

5           SECTION 6. The change in law made by this Act does not apply  
6 to a contract executed under Subchapter F, Chapter 351, Local  
7 Government Code, or to requirements imposed on a contract executed  
8 under Subchapter F, Chapter 351, Local Government Code, by Section  
9 495.024 or 511.0092(h), Government Code, before the effective date  
10 of this Act. A contract executed under Subchapter F, Chapter 351,  
11 Local Government Code, or requirements imposed on a contract  
12 executed under Subchapter F, Chapter 351, Local Government Code, by  
13 Section 495.024 or 511.0092(h), Government Code, before the  
14 effective date of this Act are governed by the law in effect on the  
15 date the contract was executed, and the former law is continued in  
16 effect for that purpose.

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