

By: Ortiz, Jr.

H.B. No. 3903

A BILL TO BE ENTITLED

1 AN ACT

2 relating to county contracts with private entities for jail  
3 facilities; providing a penalty.

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

5 SECTION 1. Section 351.101, Local Government Code, is  
6 amended to read as follows:

7 Sec. 351.101. AUTHORITY TO CONTRACT. (a) The commissioners  
8 court of a county, with the approval of the sheriff of the county,  
9 may contract with a private organization to place inmates in a  
10 detention facility operated by the organization.

11 (b) The commissioners court may not contract with a private  
12 organization in which a member of the court or an elected or  
13 appointed peace officer who serves in the county has a financial  
14 interest or in which an employee or commissioner of the Commission  
15 on Jail Standards has a financial interest.

16 (c) Before entering into a contract under this section, the  
17 commissioners court shall hold a public hearing in each  
18 commissioners precinct to allow the public to make comments  
19 regarding the proposed contract. Not later than the 30th day before  
20 the date of a hearing, the commissioners court shall publish notice  
21 of the time and place of the hearing in a newspaper of general  
22 circulation in the county.

23 (d) A contract made in violation of this section is void.

24 SECTION 2. Subchapter F, Chapter 351, Local Government

1 Code, is amended by adding Sections 351.105 and 351.106 to read as  
2 follows:

3 Sec. 351.105. PERSONAL BENEFIT PROHIBITED. (a) In this  
4 section, "benefit" has the meaning assigned by Section 36.01, Penal  
5 Code.

6 (b) A person who is an employee or officer of a county  
7 commits an offense if the person accepts a benefit from a private  
8 entity that contracts with the county under this subchapter.

9 (c) An offense under this section is a state jail felony.

10 Sec. 351.106. OPEN RECORDS. Information collected,  
11 assembled, or maintained by a private entity that is not a  
12 governmental body in connection with the operation, maintenance,  
13 repair, or construction of a detention facility or related facility  
14 operated under contract with the county under this subchapter is  
15 subject to Chapter 552, Government Code, in the same manner as  
16 information collected, assembled, or maintained by a governmental  
17 body, but only if the information is related to the operation,  
18 maintenance, repair, or construction of the facility.

19 SECTION 3. The change in law made by this Act applies in  
20 relation to information collected, assembled, or maintained  
21 before, on, or after the effective date of this Act.

22 SECTION 4. This Act takes effect September 1, 2009.