

By: Shapleigh

S.B. No. 1086

A BILL TO BE ENTITLED

AN ACT

relating to the location, operation, and management of certain
correctional residential facilities.

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

SECTION 1. Chapter 492, Government Code, is amended by
adding Section 492.017 to read as follows:

Sec. 492.017. LOCATION, OPERATION, AND MANAGEMENT OF
CERTAIN RESIDENTIAL FACILITIES; PLAN AND REPORT. (a) In this
section, "correctional residential facility" means:

(1) a halfway house described by Section 508.118;

(2) a community residential facility described by
Section 508.119; and

(3) a community corrections facility described by
Section 509.006 that provides services or treatment in a
residential setting.

(b) The board shall adopt a comprehensive plan concerning
the location, operation, and management of correctional
residential facilities in this state.

(c) The comprehensive plan adopted under Subsection (b)
must:

(1) ensure that correctional residential facilities
are not disproportionately located in any particular geographic
region or regions of this state;

(2) ensure that the percentage of individuals living

1 in a correctional residential facility in a particular county is
2 equivalent, to the extent practicable, to the percentage of
3 individuals living in the county that have been convicted of a
4 criminal offense of the grade of Class B misdemeanor or higher;

5 (3) ensure that treatment programs provided by
6 correctional residential facilities are widely available across
7 the state and are not disproportionately limited in availability to
8 a particular geographic region or regions of this state;

9 (4) specify the categories of offenders that may live
10 in each type of correctional residential facility; and

11 (5) require that a correctional residential facility
12 be located:

13 (A) not less than 5,000 feet from a premises
14 described by Section 13D(a)(2), Article 42.12, Code of Criminal
15 Procedure; and

16 (B) to the extent feasible, on the grounds of an
17 existing correctional facility, as defined by Section 1.07, Penal
18 Code.

19 (d) Not later than December 1 of each even-numbered year,
20 the board shall submit to each person described by Section
21 509.010(b)(2) who serves or represents a geographic area in which
22 one or more correctional residential facilities are located a
23 report concerning the location, operation, and management of
24 correctional residential facilities in this state during the
25 two-year period immediately preceding the date of the report. The
26 report must contain information concerning the county of
27 conviction, the county of preconviction residence, and the county

1 of postconviction residence for each individual who resides in a
2 correctional residential facility at any time during the two-year
3 period covered by the report.

4 (e) A correctional residential facility may not be located,
5 operated, or managed in a location or manner that violates the
6 comprehensive plan adopted under Subsection (b).

7 SECTION 2. Section 508.118, Government Code, is amended by
8 adding Subsection (d) to read as follows:

9 (d) The department, including any division of the
10 department, may not use a halfway house or transfer an inmate to a
11 halfway house under this section if the location, operation, or
12 management of the halfway house violates the comprehensive plan
13 adopted under Section 492.017(b).

14 SECTION 3. Section 508.119, Government Code, is amended by
15 amending Subsection (f) and adding Subsection (j) to read as
16 follows:

17 (f) The Texas Board of Criminal Justice shall adopt rules
18 necessary for the management of a community residential facility,
19 including any rules necessary to bring a community residential
20 facility into compliance with the comprehensive plan adopted under
21 Section 492.017(b).

22 (j) The division may not establish, operate, manage, or
23 contract for the financing, construction, operation, or management
24 of a community residential facility if the location, operation, or
25 management of the facility violates the comprehensive plan adopted
26 under Section 492.017(b).

27 SECTION 4. Section 509.006, Government Code, is amended by

adding Subsection (f) to read as follows:

(f) The division may not take any action described by Subsection (a) with reference to a community corrections facility if the location, operation, or management of the facility violates the comprehensive plan adopted under Section 492.017(b).

SECTION 5. Section 509.010(b), Government Code, is amended to read as follows:

(b) Before the 30th day before the date of the meeting, the division~~[, the department that the facility is to serve, or a vendor proposing to operate the facility]~~ shall:

(1) publish by advertisement that is not less than 3-1/2 inches by 5 inches notice of the date, hour, place, and subject of the hearing required by Subsection (a) in three consecutive issues of a newspaper of, or in newspapers that collectively have, general circulation in the county in which the proposed facility is to be located; and

(2) mail, by certified mail with return receipt requested, and deliver by secure electronic mail, a copy of the notice to each police chief, sheriff, city council member, mayor, county commissioner, county judge, school board member, state representative, and state senator who serves or represents the area in which the proposed facility is to be located or an area the outermost boundary of which is not greater than two miles away from the proposed facility, unless the proposed facility has been previously authorized to operate at a particular location by a community justice council under Section 76.003.

SECTION 6. The Texas Board of Criminal Justice shall adopt

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1 the comprehensive plan concerning correctional residential
2 facilities as required by Section 492.017, Government Code, as
3 added by this Act, not later than January 1, 2010.

4 SECTION 7. This Act takes effect September 1, 2009.