

By: Carona

S.B. No. 1509

A BILL TO BE ENTITLED

AN ACT

relating to the Correctional Facility Capacity Commission.

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

SECTION 1. Subtitle G, Title 4, Government Code, is amended by adding Chapter 512 to read as follows:

CHAPTER 512. CORRECTIONAL FACILITY CAPACITY COMMISSION

SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

Sec. 512.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Correctional Facility Capacity Commission.

(2) "Correctional facility" means:

(A) any place described by Section 1.07(14), Penal Code; and

(B) a secure detention facility or secure correctional facility, as defined by Section 51.02, Family Code.

Sec. 512.002. SUNSET PROVISION. The Correctional Facility Capacity Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2021.

Sec. 512.003. ADMINISTRATIVE ATTACHMENT. The commission is administratively attached to the Texas Department of Criminal Justice.

Sec. 512.004. COMPOSITION OF COMMISSION. (a) The commission is composed of 20 members as follows:

1 (1) 15 public members appointed as follows:

2 (A) five public members appointed by the
3 governor;

4 (B) five public members appointed by the
5 lieutenant governor; and

6 (C) five public members appointed by the speaker
7 of the house of representatives; and

8 (2) five ex officio members as follows:

9 (A) the executive director of the Texas
10 Department of Criminal Justice;

11 (B) the executive commissioner of the Texas Youth
12 Commission;

13 (C) the chief justice of the Texas Supreme Court;

14 (D) the president of the Texas Police Chiefs
15 Association; and

16 (E) the president of the Sheriffs' Association of
17 Texas.

18 (b) The speaker of the house of representatives shall
19 designate a member of the house and the lieutenant governor shall
20 designate a member of the senate to advise the commission.

21 Sec. 512.005. PUBLIC MEMBERS: ELIGIBILITY; APPOINTMENT;
22 VACANCY. (a) A person appointed as a public member of the
23 commission must be a resident of this state.

24 (b) Public members of the commission must include:

25 (1) persons who have served prominently as leaders of
26 or spokespersons for public or private organizations that advocate
27 for or on behalf of individuals confined in a correctional facility

1 in this state; and

2 (2) persons who have significant professional
3 experience in the fields of criminal justice, statistics, and
4 demographics.

5 (c) Appointments of public members to the commission shall
6 be made:

7 (1) without regard to the race, color, disability,
8 sex, religion, age, or national origin of an appointee; and

9 (2) so that each geographic area of this state is
10 represented on the commission.

11 (d) The original appointing authority shall fill any
12 vacancy in an appointed position on the commission for the
13 unexpired portion of the term.

14 Sec. 512.006. EX OFFICIO MEMBERS: ELIGIBILITY; DESIGNATION
15 OF REPRESENTATIVE. (a) An ex officio member of the commission
16 vacates the person's position on the commission if the person
17 ceases to hold the position that qualifies the person for service on
18 the commission.

19 (b) An ex officio member may designate a representative to
20 serve on the commission in the member's absence. A representative
21 designated under this subsection must be an officer or employee of
22 the state agency or entity that employs the ex officio member.

23 Sec. 512.007. REMOVAL OF PUBLIC MEMBER. (a) It is a ground
24 for removal of a public member from the commission if the member:

25 (1) is ineligible for public membership under Section
26 512.005(a);

27 (2) cannot because of illness or disability discharge

1 the member's duties for a substantial part of the term for which the
2 member is appointed; or

3 (3) is absent from more than three consecutive
4 regularly scheduled commission meetings that the member is eligible
5 to attend during a calendar year unless the absence is excused by
6 majority vote of the commission.

7 (b) The validity of an action of the commission is not
8 affected by the fact that it is taken when a ground for removal of a
9 commission member exists.

10 (c) If a member of the commission has knowledge that a
11 potential ground for removal exists, the member shall notify the
12 presiding officer of the commission of the potential ground. The
13 presiding officer shall then notify the governor and the attorney
14 general that a potential ground for removal exists.

15 Sec. 512.008. TERM OF PUBLIC MEMBER. (a) A public member
16 of the commission serves a term of four years.

17 (b) A public member is eligible for reappointment to another
18 term or part of a term.

19 (c) A public member may not serve more than two consecutive
20 terms. For purposes of this prohibition, a member is considered to
21 have served a term only if the member has served more than half of
22 the term.

23 Sec. 512.009. OFFICERS; SUBCOMMITTEES. (a) The governor
24 shall designate a public member of the commission as presiding
25 officer to serve in that capacity at the pleasure of the governor.

26 (b) The presiding officer of the commission may appoint a
27 subcommittee for any purpose consistent with the duties of the

1 commission under this chapter.

2 Sec. 512.010. COMPENSATION; EXPENSES. (a) A public member
3 of the commission and an ex officio member of the commission that is
4 not employed by an agency or an entity of this state is not entitled
5 to compensation but is entitled to reimbursement for the travel
6 expenses incurred by the member while transacting commission
7 business, as provided by the General Appropriations Act.

8 (b) For an ex officio member employed by an agency or an
9 entity of this state, the member's service on the commission is an
10 additional duty of the underlying position that qualifies the
11 member for service on the commission. The entitlement of the ex
12 officio member to compensation or to reimbursement for travel
13 expenses incurred while transacting commission business is
14 governed by the law that applies to the member's service in that
15 underlying position, and any payment to the member for either
16 purpose must be made from money that may be used for the purpose and
17 is available to the agency or entity of this state that the member
18 serves in that underlying position.

19 Sec. 512.011. MEETINGS; QUORUM; VOTING; PUBLIC ACCESS. (a)
20 The commission shall meet at least quarterly at the times and places
21 in this state that the commission designates.

22 (b) Eight voting members of the commission constitute a
23 quorum for transacting commission business.

24 (c) An ex officio member of the commission may not vote on
25 commission business.

26 (d) The commission shall develop and implement policies
27 that provide the public with a reasonable opportunity to appear

1 before the commission and speak on any issue under the jurisdiction
2 of the commission.

3 Sec. 512.012. COORDINATOR. The Texas Department of
4 Criminal Justice shall provide one part-time employee to serve as
5 the coordinator for the commission to transact commission business.

6 [Sections 512.013-512.050 reserved for expansion]

7 SUBCHAPTER B. POWERS AND DUTIES; FUNDING

8 Sec. 512.051. ADVISORY STATUS OF COMMISSION. (a) In
9 implementing its powers and duties under this chapter, the
10 commission functions only in an advisory capacity. Membership on
11 the commission does not constitute a public office.

12 (b) Chapter 2110 does not apply to the commission.

13 Sec. 512.052. GENERAL POWERS AND DUTIES OF COMMISSION. (a)
14 The commission shall:

15 (1) analyze the most recent available census
16 information regarding projected population growth in this state and
17 any attendant projected increase in the crime rate in this state;

18 (2) examine the current capacity of all correctional
19 facilities in this state; and

20 (3) make recommendations concerning whether to
21 increase, decrease, or maintain at the same level the number of
22 correctional facility beds in this state over the 10-year period
23 following the date of a report issued under Subsection (b).

24 (b) The commission shall issue a report containing the
25 information described by Subsection (a) not later than the first
26 anniversary of the date the population of this state reaches 29
27 million and the first anniversary of each later date the population

1 of this state increases by 5 million. The commission shall deliver
2 the report to:

- 3 (1) the governor;
4 (2) the lieutenant governor;
5 (3) the speaker of the house of representatives; and
6 (4) the standing committees of the senate and house of
7 representatives with primary jurisdiction over correctional
8 facilities in this state.

9 (c) The commission shall adopt rules as necessary for its
10 own procedures.

11 (d) The commission may appoint advisory committees to
12 advise the commission.

13 Sec. 512.053. FUNDING. (a) The commission may accept gifts
14 and grants from a public or private source for the commission to use
15 in performing the commission's powers and duties under this
16 chapter.

17 (b) The Texas Department of Criminal Justice may provide
18 staff and may support functions and activities of the commission
19 from money available to the department that may be used for this
20 purpose. The legislature may also specifically appropriate money
21 to the department to provide staff and to otherwise support
22 functions and activities of the commission.

23 SECTION 2. As soon as practicable after the effective date
24 of this Act, appointments of public members shall be made to the
25 Correctional Facility Capacity Commission as provided by Chapter
26 512, Government Code, as added by this Act. Notwithstanding
27 Section 512.008, Government Code, as added by this Act, the terms of

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1 initial public members appointed to the Correctional Facility
2 Capacity Commission expire February 1, 2015.

3 SECTION 3. This Act takes effect September 1, 2009.