

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 17, 2009**

**TO:** Honorable Jim McReynolds, Chair, House Committee on Corrections

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1225** by Laubenberg (Relating to the establishment, operation, or change in use or capacity of certain community residential facilities or correctional or rehabilitation facilities.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government and Local Government Codes by requiring that an entity proposing to construct or operate a correctional or rehabilitation facility within 1,000 feet of a residential area, a primary or secondary school, and other certain public entities, provide written notice to either the county commissioners court or governing body of a municipality. The notice must be mailed in an envelope clearly marked on the outside with the words, "Notice of Proposed Correctional or Rehabilitation Facility." The bill would allow local government to approve or disapprove of the locations of proposed correctional facilities, and would include privately-operated facilities not contracting with a governmental entity. The bill would require the entity to provide additional notification, as specified in the bill. The bill would also require that a private vendor proposing to change the use or significantly increase the capacity of a correctional or rehabilitation facility within 1,000 feet of a residential area, a primary or secondary school, property designated as a public park or public recreation area by the state or a political subdivision of the state, a church, synagogue, or other place of worship, give notice of and accept and process written statements regarding the proposed change in use or capacity in the manner provided under this measure.

The impact of the bill would depend on the decisions made by local governments to not allow the operation of non-contract residential facilities; therefore the impact of the bill cannot be determined. To the extent the availability of non-contract residential facilities is reduced as a result of the bill, the agency may need to contract for additional halfway house beds; however it is assumed that the impact of the bill on state government would not be significant.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, ESi, GG, SDO, TP