

BILL ANALYSIS

H.B. 1770
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Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, when an offender is approved for parole, TDCJ contracts with halfway houses and county jails for those offenders who do not have approved addresses. These halfway houses and county jails often remain at maximum contract capacity and, as a result, offenders who have been approved for parole must wait in prison. TDCJ has the authority to make payment for other housing options that are less expensive and in the offender's county of residence.

H.B. 1770 further clarifies TDCJ's authority relating to the payment of temporary housing costs for certain inmates released or eligible for release on parole or to mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive director of the Texas Department of Criminal Justice in SECTION 1 of this bill.

ANALYSIS

H.B. 1770 amends the Government Code to make the authorization for the Texas Department of Criminal Justice (TDCJ) to issue payment for the cost of temporary post-release housing for an inmate who is eligible for release on parole or to mandatory supervision and for a releasee contingent on TDCJ's not operating or contracting for the operation of a residential correctional facility in the county of legal residence of the inmate or releasee. The bill requires the temporary post-release housing, in addition to meeting other requirements, to be in a structure that existed on June 1, 2009, as a multifamily residence or as a motel to which Tax Code provisions relating to the hotel occupancy tax apply. The bill prohibits the amount of payment issued for temporary post-release housing from exceeding an amount equal to the cost TDCJ would incur, for the period for which the payment is issued, to incarcerate the inmate or releasee in a facility operated by or under contract with TDCJ or to house the inmate or releasee in a residential correctional facility, rather the cost TDCJ would incur to incarcerate the inmate for that period. The bill requires the executive director of TDJC to adopt rules to implement the bill's provisions and removes the specification that those rules ensure that the food, hygiene, and clothing needs of an inmate or releasee on whose behalf payment is issued for temporary post-release housing are adequately met during the period for which the payment is issued. The bill authorizes TDCJ to issue payment for temporary post-release housing for a structure that did not exist on June 1, 2009, as a multifamily residence or a motel if, before issuing payment, TDCJ or the owner of the structure provides, in the same manner as lawfully required for a community corrections facility, notice of the proposed use of the structure and a hearing on the issue of whether the use is appropriate.

H.B. 1770 requires the report prepared by TDCJ including specific statistics on the issuance of payment for temporary post-release housing for the preceding year to be submitted to the presiding officer of each legislative standing committee with primary jurisdiction over TDCJ, rather than to the Criminal Justice Legislative Oversight Committee. The bill requires TDCJ to submit the report not later than September 30 of each year, rather than not later than September

30, 2010, for the first report and September 30, 2011, for the second report and extends the expiration date of the provisions in law relating to the submission of the report from January 1, 2012, to January 1, 2014. The bill makes its provisions applicable only to an inmate who is eligible for release on parole or to mandatory supervision on or after September 1, 2011, or who is released on parole or to mandatory supervision on or after that date. The bill defines "residential correctional facility."

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.