

## **BILL ANALYSIS**

S.B. 1698  
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Government Efficiency & Reform  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It is estimated that hundreds of criminal undocumented immigrants are currently in our jail system. Local communities and state taxpayers end up footing the bill for these undocumented immigrants.

The bill would require the Texas Commission on Jail Standards to include the number of people in Texas prisons who have had an Immigration and Customs Enforcement detainer issued in their monthly report. Additionally, the bill clarifies that the cost calculation required maybe based on the average daily cost of housing an inmate.

TDCJ receives currently about 10 cents on the dollar for housing criminal undocumented immigrants in the state prisons, whereas local and county jails receive currently no compensation. A record of how many local and county jail inmates that might be subject to detainers could prompt the federal government to start paying local entities for housing criminal undocumented immigrants.

The bill, therefore, could allow for additional, needed revenue streams for local governmental entities of Texas. The bill could help adders a significant cost driver for local jail administrators.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

The bill reenacts Section 511.0101(a), Government Code, as amended by Chapters 977 (H.B. 3654) and 1215 (S.B. 1009), Acts of the 81st Legislature, Regular Session, 2009, and amends it as follows:

Requires each county to submit to the Texas Commission on Jail Standards (TCJS) on or before the fifth day of each month a report containing the following information:

The number of prisoners confined in the county jail on the first day of the month, classified on the basis of the following categories:

(A)-(L) Makes no changes to these paragraphs;

(M) prisoners for whom an immigration detainer has been issued by United States Immigration and Customs Enforcement, rather than prisoners who are known to be pregnant; and

(N) Makes no changes to this paragraph;

(2) Makes no changes to this subdivision;

(3) Makes a nonsubstantive change to this subdivision;

(4) the total cost to the county during the preceding month of housing prisoners described by Subdivision (1)(M), calculated based on the average daily cost of housing a prisoner in the county jail; and

(5) Creates this subdivision from existing text.

The bill also requires a county to submit the first report required by Section 511.0101, Government Code, as amended by this Act, not later than October 5, 2011.

**EFFECTIVE DATE**

September 1, 2011.