

By: Madden

H.B. No. 1770

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the payment of temporary housing costs for certain
3 inmates released or eligible for release on parole or to mandatory
4 supervision.

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

6 SECTION 1. Section 508.157, Government Code, is amended by
7 adding Subsections (a-1) and (e-1) and amending Subsections (b),
8 (c), (e), (f), and (g) to read as follows:

9 (a-1) In this section, "residential correctional facility"
10 means a facility operated by or under contract with the department
11 to provide housing, supervision, and programmatic support to
12 individuals released on parole or to mandatory supervision. The
13 term includes a halfway house described by Section 508.118 or a
14 community residential facility described by Section 508.119. The
15 term does not include a transitional treatment center, a substance
16 abuse felony punishment facility, or any other facility operated by
17 or under contract with the department the primary purpose of which
18 is to provide substance abuse treatment or aftercare.

19 (b) If the department does not operate or contract for the
20 operation of a residential correctional facility in the county of
21 legal residence of an inmate or releasee, the [The] department may
22 issue, [payment for the cost of temporary post-release housing] for
23 an inmate described by Subsection (a) or for a releasee, payment for
24 the cost of temporary post-release housing that:

1 (1) meets any conditions or requirements imposed by a
2 parole panel;

3 (2) [~~and~~] is located in the county of legal residence
4 of the inmate or releasee; and

5 (3) except as provided by Subsection (e-1), is in a
6 structure that existed on June 1, 2009, as a multifamily residence
7 or as a motel to which Section 156.001, Tax Code, applies.

8 (c) The amount of payment issued under Subsection (b) may
9 not exceed an amount that is equal to the cost the department would
10 incur, for the period for which the payment is issued, to:

11 (1) incarcerate the inmate or releasee in a facility
12 operated by or under contract with the department; or

13 (2) house the inmate or releasee in a residential
14 correctional facility [~~for the period for which the payment is~~
15 ~~issued~~].

16 (e) The executive director of the Texas Department of
17 Criminal Justice shall adopt rules as necessary to implement this
18 section[~~, including rules that ensure that the food, hygiene, and~~
19 ~~clothing needs of an inmate or releasee on whose behalf payment is~~
20 ~~issued under this section are adequately met during the period for~~
21 ~~which the payment is issued~~].

22 (e-1) The department may issue payment for post-release
23 housing under Subsection (b) for a structure not described by
24 Subsection (b)(3) if, before issuing payment, the department or the
25 owner of the structure provides, in the same manner as required for
26 a community corrections facility under Section 509.010, notice of
27 the proposed use of the structure under this section and a hearing

1 on the issue of whether the use is appropriate.

2 (f) Not later than September 30 of each year, [~~2010, for the~~
3 ~~first report and September 30, 2011, for the second report,~~] the
4 department shall submit to the presiding officer of each
5 legislative standing committee with primary jurisdiction over the
6 department [~~Criminal Justice Legislative Oversight Committee~~] a
7 report that covers the period of August 1 of the year preceding the
8 year in which the report is submitted through September 1 of the
9 year in which the report is submitted and that includes:

10 (1) the total number of inmates and releasees on whose
11 behalf payment is issued under this section;

12 (2) the total dollar amount of payments issued under
13 this section; and

14 (3) the county of release and the county of legal
15 residence of each inmate or releasee on whose behalf payment is
16 issued under this section.

17 (g) This subsection and Subsection (f) expire January 1,
18 2014 [~~2012~~].

19 SECTION 2. The change in law made by this Act applies only
20 to an inmate who is eligible for release on parole or to mandatory
21 supervision on or after September 1, 2011, or who is released on
22 parole or to mandatory supervision on or after that date.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2011.