

1-1 By: Madden (Senate Sponsor - Whitmire) H.B. No. 1770  
1-2 (In the Senate - Received from the House April 11, 2011;  
1-3 April 20, 2011, read first time and referred to Committee on  
1-4 Criminal Justice; May 9, 2011, reported favorably by the following  
1-5 vote: Yeas 7, Nays 0; May 9, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the payment of temporary housing costs for certain  
1-9 inmates released or eligible for release on parole or to mandatory  
1-10 supervision.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 508.157, Government Code, is amended by  
1-13 adding Subsections (a-1) and (e-1) and amending Subsections (b),  
1-14 (c), (e), (f), and (g) to read as follows:

1-15 (a-1) In this section, "residential correctional facility"  
1-16 means a facility operated by or under contract with the department  
1-17 to provide housing, supervision, and programmatic support to  
1-18 individuals released on parole or to mandatory supervision. The  
1-19 term includes a halfway house described by Section 508.118 or a  
1-20 community residential facility described by Section 508.119. The  
1-21 term does not include a transitional treatment center, a substance  
1-22 abuse felony punishment facility, or any other facility operated by  
1-23 or under contract with the department the primary purpose of which  
1-24 is to provide substance abuse treatment or aftercare.

1-25 (b) If the department does not operate or contract for the  
1-26 operation of a residential correctional facility in the county of  
1-27 legal residence of an inmate or releasee, the [The] department may  
1-28 issue, [payment for the cost of temporary post-release housing] for  
1-29 an inmate described by Subsection (a) or for a releasee, payment for  
1-30 the cost of temporary post-release housing that:

1-31 (1) meets any conditions or requirements imposed by a  
1-32 parole panel;

1-33 (2) [and] is located in the county of legal residence  
1-34 of the inmate or releasee; and

1-35 (3) except as provided by Subsection (e-1), is in a  
1-36 structure that existed on June 1, 2009, as a multifamily residence  
1-37 or as a motel to which Section 156.001, Tax Code, applies.

1-38 (c) The amount of payment issued under Subsection (b) may  
1-39 not exceed an amount that is equal to the cost the department would  
1-40 incur, for the period for which the payment is issued, to:

1-41 (1) incarcerate the inmate or releasee in a facility  
1-42 operated by or under contract with the department; or

1-43 (2) house the inmate or releasee in a residential  
1-44 correctional facility [for the period for which the payment is  
1-45 issued].

1-46 (e) The executive director of the Texas Department of  
1-47 Criminal Justice shall adopt rules as necessary to implement this  
1-48 section[, including rules that ensure that the food, hygiene, and  
1-49 clothing needs of an inmate or releasee on whose behalf payment is  
1-50 issued under this section are adequately met during the period for  
1-51 which the payment is issued].

1-52 (e-1) The department may issue payment for post-release  
1-53 housing under Subsection (b) for a structure not described by  
1-54 Subsection (b)(3) if, before issuing payment, the department or the  
1-55 owner of the structure provides, in the same manner as required for  
1-56 a community corrections facility under Section 509.010, notice of  
1-57 the proposed use of the structure under this section and a hearing  
1-58 on the issue of whether the use is appropriate.

1-59 (f) Not later than September 30 of each year, [2010, for the  
1-60 first report and September 30, 2011, for the second report,] the  
1-61 department shall submit to the presiding officer of each  
1-62 legislative standing committee with primary jurisdiction over the  
1-63 department [Criminal Justice Legislative Oversight Committee] a  
1-64 report that covers the period of August 1 of the year preceding the

2-1 year in which the report is submitted through September 1 of the  
2-2 year in which the report is submitted and that includes:

2-3 (1) the total number of inmates and releasees on whose  
2-4 behalf payment is issued under this section;

2-5 (2) the total dollar amount of payments issued under  
2-6 this section; and

2-7 (3) the county of release and the county of legal  
2-8 residence of each inmate or releasee on whose behalf payment is  
2-9 issued under this section.

2-10 (g) This subsection and Subsection (f) expire January 1,  
2-11 2014 [~~2012~~].

2-12 SECTION 2. The change in law made by this Act applies only  
2-13 to an inmate who is eligible for release on parole or to mandatory  
2-14 supervision on or after September 1, 2011, or who is released on  
2-15 parole or to mandatory supervision on or after that date.

2-16 SECTION 3. This Act takes effect immediately if it receives  
2-17 a vote of two-thirds of all the members elected to each house, as  
2-18 provided by Section 39, Article III, Texas Constitution. If this  
2-19 Act does not receive the vote necessary for immediate effect, this  
2-20 Act takes effect September 1, 2011.

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