

By: Martinez

H.B. No. 2072

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county to contract with a private organization for the operation of a detention facility.

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

SECTION 1. Section 351.101, Local Government Code, is amended to read as follows:

Sec. 351.101. AUTHORITY TO CONTRACT. (a) Except as provided by Subsections (b) and (c), the [The] commissioners court of a county, with the approval of the sheriff of the county, may contract with a private organization to place inmates in a detention facility operated by the organization.

(b) The commissioners court may not contract with a private organization in which a member of the court or an elected or appointed peace officer who serves in the county has a financial interest or in which an employee or commissioner of the Commission on Jail Standards has a financial interest. A contract made in violation of this subsection [~~section~~] is void.

(c) In a county that has adopted Chapter 174, the commissioners court of the county may not contract with a private organization to place inmates in a detention facility operated by the organization unless the county is granted the authority to enter into such a contract in a collective bargaining agreement entered into between the county and the employees of the sheriff's department under Chapter 174. A contract made in violation of this

1 subsection is void.

2 SECTION 2. The change in law made by this Act applies only
3 to a contract entered into on or after the effective date of this
4 Act. A contract entered into before the effective date of this Act
5 is governed by the law in effect when the contract was entered into,
6 and the former law is continued in effect for that purpose.

7 SECTION 3. This Act takes effect September 1, 2011.