

By: Jackson

H.B. No. 3728

A BILL TO BE ENTITLED

AN ACT

relating to the composition of and powers and duties of the Commission on Jail Standards.

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

SECTION 1. Sections 511.004(a) and (b), Government Code, are amended to read as follows:

(a) The commission consists of 15 ~~[nine]~~ members appointed by the governor with the advice and consent of the senate. Two members ~~[One member]~~ must be sheriffs ~~[a sheriff]~~ of counties ~~[a county]~~ with populations ~~[a population]~~ of more than 35,000, two members ~~[one]~~ must be sheriffs ~~[a sheriff]~~ of counties ~~[a county]~~ with populations ~~[a population]~~ of 35,000 or less, three members ~~[one]~~ must be ~~[a]~~ county judges ~~[judge]~~, three members ~~[one]~~ must be ~~[a]~~ county commissioners ~~[commissioner]~~, one member must be a practitioner of medicine licensed by the Texas State Board of Medical Examiners, and the other four members must be representatives of the general public. At least one of the four citizen members must be from a county with a population of 35,000 or less.

(b) The sheriffs, county judges ~~[judge]~~, and county commissioners ~~[commissioner]~~ appointed to the commission shall perform the duties of a member in addition to their other duties.

SECTION 2. Section 511.0091, Government Code, is amended by adding Subsection (c-2) to read as follows:

1 (c-2) In addition to the other fees authorized by this
2 section, the commission by a two-thirds vote may set and collect a
3 reasonable annual fee from each jail under the commission's
4 jurisdiction.

5 SECTION 3. Section 511.011, Government Code, is amended to
6 read as follows:

7 Sec. 511.011. REPORT ON NONCOMPLIANCE. If the commission
8 finds that a county jail does not comply with state law, including
9 Chapter 89, Health and Safety Code, or the rules, standards, or
10 procedures of the commission adopted under Section 511.009(a)(2),
11 it shall report the noncompliance to the county commissioners and
12 sheriff of the county responsible for the county jail and shall send
13 a copy of the report to the governor.

14 SECTION 4. (a) Promptly after this Act takes effect, the
15 governor shall appoint six additional members to the Commission on
16 Jail Standards. In appointing those members, the governor shall
17 appoint two people to terms expiring January 31, 2013, two people to
18 terms expiring January 31, 2015, and two people to terms expiring
19 January 31, 2017. The governor shall ensure that the appointments
20 to the commission comply with the requirements of Section
21 511.004(a), Government Code, as amended by this Act.

22 (b) Until all appointees to the Commission on Jail Standards
23 have taken office, a quorum of the commission is a majority of the
24 number of members who are qualified.

25 SECTION 5. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2011.