

By: Gallegos

S.B. No. 670

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of the location of certain halfway  
3 houses.

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

5 SECTION 1. The heading to Subchapter A, Chapter 244, Local  
6 Government Code, is amended to read as follows:

7 SUBCHAPTER A. CORRECTIONAL OR REHABILITATION FACILITY OR  
8 HALFWAY HOUSE

9 SECTION 2. Section 244.001, Local Government Code, is  
10 amended by adding Subdivision (3) to read as follows:

11 (3) "Halfway house" means a residential facility that:

12 (A) is independently operated by a private  
13 entity, including a nonprofit organization;

14 (B) is not operated under contract with an agency  
15 or political subdivision of the state;

16 (C) is not a chemical dependency treatment  
17 facility licensed under Chapter 464, Health and Safety Code; and

18 (D) is operated for the purpose of housing two or  
19 more individuals who are not related by consanguinity or affinity  
20 and who have been:

21 (i) placed on community supervision under  
22 Article 42.12, Code of Criminal Procedure;

23 (ii) released on parole or to mandatory  
24 supervision under Chapter 508, Government Code; or

1                    (iii) placed on or released on or to the  
2 functional equivalent of community supervision, parole, or  
3 mandatory supervision under the laws of another state or federal  
4 law.

5            SECTION 3. Sections 244.002 and 244.003, Local Government  
6 Code, are amended to read as follows:

7            Sec. 244.002. NOTICE OF PROPOSED LOCATION. (a) An agency  
8 of the state, a political subdivision of the state, or a private  
9 vendor operating under a contract with an agency or political  
10 subdivision of the state that proposes to construct or operate a  
11 correctional or rehabilitation facility, or a private entity that  
12 proposes to construct or operate a halfway house, within 1,000 feet  
13 of a residential area, a primary or secondary school, property  
14 designated as a public park or public recreation area by the state  
15 or a political subdivision of the state, or a church, synagogue, or  
16 other place of worship shall:

17                    (1) provide written notice to:

18                            (A) the commissioners court of any county with an  
19 unincorporated area that includes all or part of the land within  
20 1,000 feet of the proposed correctional or rehabilitation facility  
21 or halfway house; and

22                            (B) the governing body of any municipality that  
23 includes within its boundaries all or part of the land within 1,000  
24 feet of the proposed correctional or rehabilitation facility or  
25 halfway house; and

26                    (2) post the notice required by Subsection (d).

27            (b) An entity required to give notice under Subsection (a)

1 shall give notice not later than the 60th day before the date the  
2 entity begins construction or operation of the correctional or  
3 rehabilitation facility or halfway house, whichever date is  
4 earlier. The entity shall include in the notice:

5 (1) a statement of the entity's intent to construct or  
6 operate a correctional or rehabilitation facility or halfway house  
7 in an area described by Subsection (a);

8 (2) a description of the proposed location of the  
9 facility or halfway house; and

10 (3) a statement that this subchapter governs the  
11 procedure for notice of and consent to the facility or halfway  
12 house.

13 (c) For purposes of this subchapter, distance is measured  
14 along the shortest straight line between the nearest property line  
15 of the correctional or rehabilitation facility or halfway house and  
16 the nearest property line of the residential area, school, park,  
17 recreation area, or place of worship, as appropriate.

18 (d) An entity described by Subsection (a) shall prominently  
19 post an outdoor sign at the proposed location of the correctional or  
20 rehabilitation facility or halfway house stating that a  
21 correctional or rehabilitation facility or halfway house is  
22 intended to be located on the premises and providing the name and  
23 business address of the entity. The sign must be at least 24 by 36  
24 inches in size and must be written in lettering at least two inches  
25 in size. The municipality or county in which the correctional or  
26 rehabilitation facility or halfway house is to be located may  
27 require the sign to be both in English and a language other than

1 English if it is likely that a substantial number of the residents  
2 in the area speak a language other than English as their familiar  
3 language.

4       Sec. 244.003. PROXIMITY [~~OF CORRECTIONAL OR REHABILITATION~~  
5 ~~FACILITY~~]. (a) Unless local consent is denied under Section  
6 244.004, an agency of the state, a political subdivision of the  
7 state, or a private vendor operating under a contract with an agency  
8 or political subdivision of the state may operate a correctional or  
9 rehabilitation facility, and a private entity may operate a halfway  
10 house, within 1,000 feet of a residential area, a primary or  
11 secondary school, property designated as a public park or public  
12 recreation area by the state or a political subdivision of the  
13 state, or a church, synagogue, or other place of worship.

14       (b) The governing body of a church, synagogue, or other  
15 place of worship may waive the distance requirements of Section  
16 244.002 between a correctional or rehabilitation facility or  
17 halfway house and the place of worship by filing an acknowledged  
18 written statement of the waiver in the deed records of the county in  
19 which the facility or halfway house is located.

20       SECTION 4. Section 244.004(a), Local Government Code, is  
21 amended to read as follows:

22       (a) Local consent to the operation of a correctional or  
23 rehabilitation facility or a halfway house at a location within  
24 1,000 feet of a residential area, a primary or secondary school,  
25 property designated as a park or public recreation area by the state  
26 or a political subdivision of the state, or a church, synagogue, or  
27 other place of worship is granted unless, not later than the 60th

1 day after the date on which notice is received by a commissioners  
2 court or governing body of a municipality under Section 244.002(a),  
3 the commissioners court or governing body, as appropriate,  
4 determines by resolution after a public hearing that the operation  
5 of a correctional or rehabilitation facility or halfway house at  
6 the proposed location is not in the best interest of the county or  
7 municipality, as appropriate.

8 SECTION 5. This Act takes effect September 1, 2011.