

BILL ANALYSIS

C.S.H.B. 2053
By: Phillips
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Because some smaller counties do not have a jail or may need to close their jails for maintenance or financial reasons, these counties are sometimes required to contract with another county to hold arrested persons. Interested individuals assert that the cost and time associated with transporting arrested persons can be burdensome, especially for arrested persons held only for a short time immediately after arrest. Some of these counties, however, may be closer to a municipality with a jail than to the county with which they currently contract. C.S.H.B. 2053 seeks to expand the entities with which such counties are authorized to contract to house arrested persons for short periods.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2053 amends the Local Government Code to authorize the commissioners court of a county with a population of 10,000 or less to contract with the governing body of a municipality to hold an arrested person in the municipal jail for a period not to exceed 72 hours after the person's arrest. The bill requires the contract to require the county to pay to the municipality a daily per capita rate equal to the cost of maintaining an arrested person in the municipal jail or a daily rate on which the parties agree. The bill establishes that it is not a violation of statutory provisions relating to county jail facilities for a county that so contracts with a municipality to hold arrested persons in a municipal jail that does not comply with the standards, rules, and procedures established for county jail facilities. The bill prohibits the Commission on Jail Standards from inspecting or regulating a municipal jail that holds an arrested person for a county under a contract authorized by the bill's provisions.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2053 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 351, Local Government Code, is amended by

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 351, Local Government Code, is amended by

83R 23678

13.108.775

Substitute Document Number: 83R 21327

adding Section 351.0031 to read as follows:
Sec. 351.0031. HOLDING CERTAIN COUNTY PRISONERS IN MUNICIPAL JAILS. (a) In this section, "municipal jail" means a jail operated by a municipality or by a private vendor under contract with a municipality.
(b) The commissioners court of a county with a population of 10,000 or less may contract with the governing body of a municipality to hold a county prisoner in the municipal jail for a period not to exceed 72 hours.
(c) The contract must require the county to pay to the municipality a daily per capita rate equal to the cost of maintaining a prisoner in the municipal jail or a daily rate on which the parties agree.
(d) It is not a violation of this subchapter for a county that contracts with a municipality in accordance with this section to hold county prisoners in a municipal jail that does not comply with the standards, rules, and procedures established under this subchapter.

SECTION 2. This Act takes effect September 1, 2013.

adding Section 351.0031 to read as follows:
Sec. 351.0031. HOLDING CERTAIN ARRESTED PERSONS IN MUNICIPAL JAILS. (a) In this section, "municipal jail" means a jail operated by a municipality or by a private vendor under contract with a municipality.
(b) The commissioners court of a county with a population of 10,000 or less may contract with the governing body of a municipality to hold an arrested person in the municipal jail for a period not to exceed 72 hours after the person's arrest.
(c) The contract must require the county to pay to the municipality a daily per capita rate equal to the cost of maintaining an arrested person in the municipal jail or a daily rate on which the parties agree.
(d) It is not a violation of this subchapter for a county that contracts with a municipality in accordance with this section to hold arrested persons in a municipal jail that does not comply with the standards, rules, and procedures established under this subchapter.
(e) Notwithstanding Section 351.015, the Commission on Jail Standards may not inspect or regulate a municipal jail that holds an arrested person for a county under a contract authorized by this section.

SECTION 2. Same as introduced version.