

By: White of Tyler

H.B. No. 310

A BILL TO BE ENTITLED

AN ACT

relating to the cost of confinement and imprisonment of persons not lawfully present in the United States and reimbursement from the federal government for that cost.

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

SECTION 1. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0306 to read as follows:

Sec. 403.0306. COST OF CONFINEMENT OR IMPRISONMENT; REQUEST FOR REIMBURSEMENT. (a) Not later than December 31 of each year, the comptroller shall determine the total cost incurred during the preceding state fiscal year by the state and each county to confine or imprison persons who are not lawfully present in the United States. The comptroller shall obtain this information from the Texas Department of Criminal Justice and the Commission on Jail Standards.

(b) Not later than March 31 of each year, based on the information obtained under Subsection (a), the comptroller shall make a written request to the United States Congress for reimbursement of the total cost incurred during the preceding state fiscal year by the state and each county to confine or imprison persons who are not lawfully present in the United States.

(c) The comptroller may adopt rules as necessary to implement this section.

SECTION 2. Chapter 493, Government Code, is amended by

adding Section 493.0152 to read as follows:

Sec. 493.0152. COST OF CONFINEMENT OR IMPRISONMENT OF PERSONS NOT LAWFULLY PRESENT IN UNITED STATES. Not later than December 1 of each year, the department shall determine the total cost incurred during the preceding state fiscal year by the state, for which federal funds have not been received under Section 493.015, to confine or imprison in a facility operated by or under contract with the department persons who are not lawfully present in the United States.

SECTION 3. Section 511.0101(a), Government Code, is amended to read as follows:

(a) Each county shall submit to the commission on or before the fifth day of each month a report containing the following information:

(1) the number of prisoners confined in the county jail on the first day of the month, classified on the basis of the following categories:

- (A) total prisoners;
- (B) pretrial Class C misdemeanor offenders;
- (C) pretrial Class A and B misdemeanor offenders;
- (D) convicted misdemeanor offenders;
- (E) felony offenders whose penalty has been reduced to a misdemeanor;
- (F) pretrial felony offenders;
- (G) convicted felony offenders;
- (H) prisoners detained on bench warrants;
- (I) prisoners detained for parole violations;

(J) prisoners detained for federal officers;

(K) prisoners awaiting transfer to the institutional division of the Texas Department of Criminal Justice following conviction of a felony or revocation of probation, parole, or release on mandatory supervision and for whom paperwork and processing required for transfer have been completed;

(L) prisoners detained after having been transferred from another jail and for whom the commission has made a payment under Subchapter F, Chapter 499, Government Code;

(M) prisoners who are not lawfully present in the United States [~~for whom an immigration detainer has been issued by United States Immigration and Customs Enforcement~~]; and

(N) other prisoners;

(2) the total capacity of the county jail on the first day of the month;

(3) the total number of prisoners who were confined in the county jail during the preceding month, based on a count conducted on each day of that month, who were known or had been determined to be pregnant;

(4) the total cost to the county during the preceding month of housing prisoners described by Subdivision (1)(M), calculated based on the average daily cost of housing a prisoner in the county jail; and

(5) certification by the reporting official that the information in the report is accurate.

SECTION 4. The comptroller of public accounts of the State of Texas shall make the first determination required by Section

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1 403.0306, Government Code, as added by this Act, not later than
2 December 31, 2016, and the Texas Department of Criminal Justice
3 shall make the first determination required by Section 493.0152,
4 Government Code, as added by this Act, not later than December 1,
5 2016.

6 SECTION 5. This Act takes effect September 1, 2015.