

By: Huberty

H.B. No. 2640

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the cost of confinement and imprisonment of persons not
3 lawfully present in the United States and reimbursement from the
4 federal government for that cost.

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

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

8 Sec. 403.0306. COST OF CONFINEMENT OR IMPRISONMENT; REQUEST
9 FOR REIMBURSEMENT. (a) Not later than the 20th day of each month,
10 the comptroller shall determine the total cost incurred during the
11 preceding month by the state and each county to confine or imprison
12 persons who are not lawfully present in the United States. The
13 comptroller shall obtain this information from the Texas Department
14 of Criminal Justice and the Commission on Jail Standards.

15 (b) Not later than the last day of each month, based on the
16 information obtained under Subsection (a), the comptroller shall
17 make a written request to the United States Congress for
18 reimbursement of the total cost incurred during the preceding month
19 by the state and each county to confine or imprison persons who are
20 not lawfully present in the United States.

21 (c) The comptroller may adopt rules as necessary to
22 implement this section, including rules governing the distribution
23 to the state and each county of any funds received from the federal
24 government for the purpose of reimbursing the state and each county

1 for the costs of confining or imprisoning persons who are not
2 lawfully present in the United States.

3 SECTION 2. Chapter 493, Government Code, is amended by
4 adding Section 493.0152 to read as follows:

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

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

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

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

- 21 (A) total prisoners;
- 22 (B) pretrial Class C misdemeanor offenders;
- 23 (C) pretrial Class A and B misdemeanor offenders;
- 24 (D) convicted misdemeanor offenders;
- 25 (E) felony offenders whose penalty has been
26 reduced to a misdemeanor;
- 27 (F) pretrial felony offenders;

- 1 (G) convicted felony offenders;
- 2 (H) prisoners detained on bench warrants;
- 3 (I) prisoners detained for parole violations;
- 4 (J) prisoners detained for federal officers;
- 5 (K) prisoners awaiting transfer to the
- 6 institutional division of the Texas Department of Criminal Justice
- 7 following conviction of a felony or revocation of probation,
- 8 parole, or release on mandatory supervision and for whom paperwork
- 9 and processing required for transfer have been completed;
- 10 (L) prisoners detained after having been
- 11 transferred from another jail and for whom the commission has made a
- 12 payment under Subchapter F, Chapter 499, Government Code;
- 13 (M) prisoners who are not lawfully present in the
- 14 United States [~~for whom an immigration detainer has been issued by~~
- 15 ~~United States Immigration and Customs Enforcement~~]; and
- 16 (N) other prisoners;
- 17 (2) the total capacity of the county jail on the first
- 18 day of the month;
- 19 (3) the total number of prisoners who were confined in
- 20 the county jail during the preceding month, based on a count
- 21 conducted on each day of that month, who were known or had been
- 22 determined to be pregnant;
- 23 (4) the total cost to the county during the preceding
- 24 month of housing prisoners described by Subdivision (1)(M),
- 25 calculated based on the average daily cost of housing a prisoner in
- 26 the county jail; and
- 27 (5) certification by the reporting official that the

1 information in the report is accurate.

2 SECTION 4. The comptroller of public accounts of the State
3 of Texas shall make the first determination required by Section
4 403.0306, Government Code, as added by this Act, not later than
5 October 20, 2015, and the Texas Department of Criminal Justice
6 shall make the first determination required by Section 493.0152,
7 Government Code, as added by this Act, not later than October 5,
8 2015.

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