

## **BILL ANALYSIS**

C.S.H.B. 640  
By: Phillips  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that local authorities need stronger regulatory authority regarding the location of halfway houses in their respective jurisdictions. C.S.H.B. 640 seeks to provide for that local regulatory authority and creates a penalty for a violation of a related regulation.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 640 amends the Local Government Code to authorize the governing body of a county or municipality, by order or ordinance, to adopt regulations regarding the location of halfway houses as the governing body considers necessary to promote the public health, safety, or welfare. The bill makes a regulation adopted by a county applicable only to the county's unincorporated area and a regulation adopted by a municipality applicable only within the municipality's corporate boundaries. The bill authorizes the location of a halfway house to be restricted to particular areas or to be prohibited within a certain distance of a school, residential neighborhood, or other specified land use the governing body of a county or municipality finds to be inconsistent with the operation of a halfway house. The bill authorizes the governing body of a county or municipality to restrict the density of halfway houses.

C.S.H.B. 640 requires the owner or operator of a facility, not later than the 60th day before the date the facility begins operations as a halfway house, to provide written notice that includes certain details about the halfway house to the mayor and the chief law enforcement officer of the municipality, if the proposed location of the halfway house is within the municipality's corporate boundaries, or to the county judge and the chief law enforcement officer of the county, if the proposed location of the halfway house is in the county's unincorporated area.

C.S.H.B. 640 authorizes a county or municipality to sue in the district court for an injunction to prohibit the violation of a regulation adopted under the bill's provisions and creates a Class A misdemeanor offense for a person who violates such a regulation.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 640 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

SECTION 1. Chapter 244, Local Government Code, is amended by adding Subchapter C to read as follows:

#### SUBCHAPTER C. HALFWAY HOUSES

Sec. 244.041. DEFINITION.

Sec. 244.042. AUTHORITY TO REGULATE.

Sec. 244.043. SCOPE OF REGULATION.

(a) The location of a halfway house may be:

(1) restricted to particular areas; or

(2) prohibited within a certain distance of a school, regular place of religious worship, residential neighborhood, or other specified land use the governing body of a county or municipality finds to be inconsistent with the operation of a halfway house.

(b) The governing body of a county or municipality may restrict the density of halfway houses.

Sec. 244.044. NOTICE REQUIRED.

Sec. 244.045. ENFORCEMENT.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 244, Local Government Code, is amended by adding Subchapter C to read as follows:

#### SUBCHAPTER C. HALFWAY HOUSES

Sec. 244.041. DEFINITION.

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Sec. 244.043. SCOPE OF REGULATION.

(a) The location of a halfway house may be:

(1) restricted to particular areas; or

(2) prohibited within a certain distance of a school, residential neighborhood, or other specified land use the governing body of a county or municipality finds to be inconsistent with the operation of a halfway house.

(b) The governing body of a county or municipality may restrict the density of halfway houses.

Sec. 244.044. NOTICE REQUIRED.

Sec. 244.045. ENFORCEMENT.

SECTION 2. Same as introduced version.