

BILL ANALYSIS

H.B. 1921
By: White
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns over a lack of maintenance at Texas Department of Criminal Justice (TDCJ) facilities have been expressed during the bill author's personal visits to TDCJ facilities throughout the state, in particular during conversations at the Darrington Unit. There are units under TDCJ, some of which are at least 100 years old, amassing over \$220 million in deferred maintenance deficit, which accounts for over a third of the deferred maintenance deficit of the entire penal system. This lack of maintenance has left many facilities with flooded basements, inadequate weatherization measures, and unreliable sewage systems. While those who are incarcerated are protected by the Eighth Amendment from cruel and unusual punishment, these types of conditions are inhumane and must be addressed to ensure their health and safety. H.B. 1921 seeks to address these issues by requiring TDCJ to conduct a study relating to modernizing correctional facilities and the use of build-to-lease contracts with private vendors for new facilities to meet TDCJ and inmate needs.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

H.B. 1921 requires the Texas Department of Criminal Justice (TDCJ) to conduct a study to identify changes needed to modernize the correctional facilities operated by TDCJ. In conducting the study, TDCJ must consider the following:

- any change or method that would modernize a facility, including any change or method that would result in:
 - decreased deferred maintenance costs
 - improved energy efficiency;
 - efficient use of staff and other resources; and
 - increased availability of funds to be used by the department to provide criminal justice programs, pay the costs of health care provided to inmates, and increase compensation to correctional officers; and
- the use of build-to-lease contracts for any new facilities necessary to meet TDCJ needs.

The bill defines "build-to-lease contract" as a contract between the Texas Board of Criminal Justice (TBCJ) and a private vendor under which the vendor constructs a secure correctional facility and leases the facility to TBCJ for use by TDCJ.

H.B. 1921 requires TBCJ and TDCJ, not later than January 1, 2022, to begin to implement any changes identified to modernize TDCJ facilities, as applicable. The bill sets out the requirements with which any facility constructed under a build-to-lease contract and the contract must comply. The bill requires TBCJ and TDCJ, as applicable in conducting the study and implementing the changes identified by the study, to consult with specified entities and stakeholders.

H.B. 1921 requires the governor to establish the Texas Prison Repurposing Commission to evaluate existing facilities operated by TDCJ and provide advice and recommendations to TBCJ regarding which facilities should be retained and renovated or repurposed for continued use by TDCJ or repurposed for use by another state agency or the private sector. The bill requires the governor, in appointing members to the commission, to ensure it includes members of the legislature, representatives of counties and municipalities, and members of the public. The bill's provisions relating to the study, the related changes, and the commission expire January 1, 2027.

H.B. 1921 amends the Government Code to specify that the authority of TBCJ to enter into a contract with a private vendor for certain secure correctional facility purposes includes entering into a contract under which the vendor will construct the facility and lease the facility to TBCJ for use by TDCJ.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.