

BILL ANALYSIS

C.S.H.B. 1971
By: Canales
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently local and county jails are required to maintain a facility climate of no less than 65 degrees Fahrenheit and no more than 85 degrees Fahrenheit. However, state prison and jail facilities are not held to the same standard. With summer weather that regularly exceeds 100 degrees, this poses a major health hazard that has resulted in illness and death for inmates and employees alike. C.S.H.B. 1971 seeks to ensure health and safety for all individuals who work or are held at state criminal justice facilities by requiring the installation of climate control systems in facilities that do not already have them.

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

C.S.H.B. 1971 requires the Texas Department of Criminal Justice (TDCJ) to contract with a private entity through a competitive bidding process to purchase and install climate control systems at each facility operated by TDCJ that is not currently equipped with a climate control system capable of maintaining the temperature in certain temperature-controlled areas of the facility at not less than 65 degrees Fahrenheit or more than 85 degrees Fahrenheit. The bill requires TDCJ to install the climate control systems in the following phases, with each phase consisting of the installation of climate control systems at approximately one-third of TDCJ's facilities at a cost capped at \$100 million per phase:

- phase one, to be completed not later than December 31, 2024;
- phase two, to be completed not later than December 31, 2026; and
- phase three, to be completed not later than December 31, 2028.

C.S.H.B. 1971 requires TDCJ, in conducting the competitive bidding process, to solicit bids for the entire scope of the project and authorizes TDCJ to solicit bids for each phase of the project if necessary or beneficial. TDCJ, in soliciting bids and determining the requirements for the phased implementation of the project, must prioritize the efficient use of state resources and consider certain factors.

C.S.H.B. 1971 establishes the following areas of a facility operated by TDCJ as areas to which the bill applies:

- hospitals;
- visiting areas;

- housing or dormitory areas;
- trustee areas;
- areas used for medical treatment or care, including areas used for dispensing medication to inmates;
- kitchens or dining areas;
- food preparation areas;
- community areas, including dayrooms;
- laundry areas;
- areas used for work stations;
- indoor recreational areas, including gymnasiums;
- restroom and shower areas and other areas related to inmate hygiene;
- administrative areas;
- correctional officer stations, including guard post areas;
- commissary areas;
- areas used for programmatic, educational, or vocational purposes;
- chapels or churches;
- libraries; and
- maintenance areas.

The bill's provisions expire January 1, 2031.

C.S.H.B. 1971 requires TDCJ to implement a provision of the bill only if:

- the legislature allocates available federal funds specifically for that purpose; or
- the legislature specifically appropriates state funds to TDCJ for the purpose of implementing a provision of the bill.

The bill prohibits TDCJ from implementing a provision of the bill using state funds unless the legislature makes an appropriation for that purpose.

EFFECTIVE DATE

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

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1971 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While the substitute retains the original's requirement for TDCJ to purchase and install climate control systems at each facility operated by TDCJ that is not currently equipped with a climate control system, the substitute specifies the areas of such a facility that are subject to the requirement by defining "required temperature-controlled areas."

The substitute includes provisions that did not appear in the original restricting the implementation of a provision of the bill by TDCJ to the following circumstances:

- the legislature specifically allocating federal funds for the purpose; or
- the legislature appropriating state funds for the purpose of implementing such a provision.

The substitute includes a prohibition not included in the original against TDCJ implementing a provision of the bill using state funds unless specifically appropriated by the legislature.