87R6589 BDP-D

By:  White H.B. No. 1921

A BILL TO BE ENTITLED

AN ACT

relating to the modernization of correctional facilities operated by the Texas Department of Criminal Justice.

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

SECTION 1.  Section 495.001(a), Government Code, is amended to read as follows:

(a)  The board may contract with a private vendor or with the commissioners court of a county for the financing, construction, operation, maintenance, or management of a secure correctional facility, including entering into a contract with a private vendor under which the vendor will construct the facility and lease the facility to the board for use by the department.

SECTION 2.  (a) In this section:

(1)  "Board" means the Texas Board of Criminal Justice.

(2)  "Build-to-lease contract" means a contract between the board and a private vendor under which the private vendor constructs a secure correctional facility and leases the facility to the board for use by the department.

(3)  "Department" means the Texas Department of Criminal Justice.

(b)  The department shall conduct a study to identify changes needed to modernize the correctional facilities operated by the department. In conducting the study, the department shall consider:

(1)  any change or method that would modernize a facility, including any change or method that would result in:

(A)  decreased deferred maintenance costs;

(B)  improved energy efficiency;

(C)  efficient use of staff and other resources; and

(D)  increased availability of funds to be used by the department to:

(i)  provide criminal justice programs;

(ii)  pay the costs of health care provided to inmates; and

(iii)  increase compensation to correctional officers; and

(2)  the use of build-to-lease contracts for any new facilities necessary to meet the department's needs.

(c)  Not later than January 1, 2022, the board and the department, as applicable, shall begin to implement any changes identified under Subsection (b) to modernize the department's facilities.

(d)  Notwithstanding any other law, any facility constructed under a build-to-lease contract and the contract, as applicable, must comply with the following requirements:

(1)  the contract must require the private vendor to maintain the facility;

(2)  the department must retain control over the operational aspects of the facility, including security, health care for inmates, and food service;

(3)  the construction of the facility, after accounting for any repurposing of existing facilities for non-correctional uses, may not result in an increase in the total maximum capacity of all facilities operated by the department;

(4)  the facility must comply with the American Correctional Association standards for secure facilities;

(5)  the design of the facility must:

(A)  enhance the health and safety of correctional officers, staff members, and inmates in the facility;

(B)  facilitate the rehabilitation and reintegration of inmates; and

(C)  be consistent with any applicable provision in Subtitle G, Title 4, Government Code, including any provision regarding incarcerated women;

(6)  the department and the private vendor shall consider the use of inmate labor for the purpose of allowing the inmates to gain employment skills and earn a wage; and

(7)  if the board determines it necessary to name a facility constructed under this section, the name of the facility must commemorate a resident of this state who:

(A)  died as a result of a personal injury sustained in the line of duty as a correctional officer; or

(B)  made significant contributions to the public safety of this state.

(e)  In conducting the study and implementing the changes identified in the study, the board and the department, as applicable, shall consult with the following:

(1)  the Correctional Managed Health Care Committee;

(2)  the Windham School District;

(3)  a chaplain under contract with the department;

(4)  correctional officers;

(5)  social scientists with specializations in corrections; and

(6)  any other relevant stakeholder as determined by the board or department.

(f)  The governor shall establish the Texas Prison Repurposing Commission to evaluate existing facilities operated by the department and provide advice and recommendations to the board regarding which facilities should be:

(1)  retained and renovated or repurposed for continued use by the department; or

(2)  repurposed for use by another state agency or the private sector.

(g)  In appointing members to the Texas Prison Repurposing Commission, the governor shall ensure the commission includes:

(1)  members of the legislature;

(2)  representatives of counties and municipalities; and

(3)  members of the public.

SECTION 3.  Section 2 of this Act expires January 1, 2027.

SECTION 4.  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, 2021.