S.B. No. 2188

AN ACT

relating to the municipal or county regulation of residential detention facilities for immigrant or refugee children.

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

SECTION 1.  Chapter 250, Local Government Code, is amended by adding Section 250.011 to read as follows:

Sec. 250.011.  RESIDENTIAL IMMIGRANT OR REFUGEE CHILD DETENTION FACILITIES. (a) In this section, "residential child detention facility" means a private facility other than a facility licensed by this state that operates under a contract with the United States Immigration and Customs Enforcement, the United States Department of Health and Human Services, or another federal agency to provide 24-hour custody or care to unaccompanied immigrant or refugee children.

(b)  A municipality or a county may adopt and enforce an ordinance, order, or other regulation that requires a residential child detention facility to:

(1)  provide adequate water, wastewater, or other utilities for the facility; and

(2)  meet reasonable minimum standards that promote the health, safety, and welfare of the residents of the facility.

(c)  A county may not regulate under Subsection (b) a facility that is located in the corporate boundaries of a municipality.

(d)  Before entering into a contract with a federal agency to operate as a residential child detention facility, the owner or operator of the proposed residential child detention facility must:

(1)  provide notice of the proposed facility:

(A)  if the facility is located in a municipality, to the governing body of the municipality; or

(B)  if the facility is located in the unincorporated area of a county, to the commissioners court of the county; and

(2)  meet any requirements adopted by the municipality or county under Subsection (b).

SECTION 2.  This Act takes effect September 1, 2021.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_President of the Senate             Speaker of the House

I hereby certify that S.B. No. 2188 passed the Senate on April 20, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2021, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 2188 passed the House, with amendment, on May 24, 2021, by the following vote: Yeas 142, Nays 1, one present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor