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S.B. No. 2188

A BILL TO BE ENTITLED

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 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

1 operate as a residential child detention facility, the owner or  
2 operator of the proposed residential child detention facility must:

3 (1) provide notice of the proposed facility to:

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

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

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

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