

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.

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

4 (1) provide notice of the proposed facility:

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

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

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

12 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