

By: Seliger, et al.
(Hernandez)

S.B. No. 2188

Substitute the following for S.B. No. 2188:

By: Paddie

C.S.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 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.