

SENATE AMENDMENTS

2nd Printing

By: Dutton

H.B. No. 954

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain contract and notice requirements applicable to
3 certain facilities used to house inmates or releasees from the
4 Texas Department of Criminal Justice.

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

6 SECTION 1. Section 493.010, Government Code, is amended to
7 read as follows:

8 Sec. 493.010. CONTRACTS FOR MISCELLANEOUS HOUSING. (a) The
9 board, for the temporary or permanent housing of inmates, may enter
10 into leases or contract with:

11 (1) public or private jails; or

12 (2) operators of alternative housing facilities.

13 (b) The board may not enter into a lease or contract with an
14 operator of an alternative housing facility that is located in a
15 county with a population of 3.3 million or more unless the operator
16 submits to the board a permit or other documentation showing that
17 the facility is in compliance with all applicable municipal and
18 county regulations.

19 SECTION 2. Chapter 508, Government Code, is amended by
20 adding Subchapter E-1 to read as follows:

21 SUBCHAPTER E-1. ALTERNATIVE HOUSING IN CERTAIN COUNTIES

22 Sec. 508.171. APPLICABILITY. This subchapter applies only
23 with respect to alternative housing that is located in a county with
24 a population of 3.3 million or more.

1 Sec. 508.172. ALTERNATIVE HOUSING PROGRAM. The department
2 shall require that an applicant to participate as a provider in a
3 program designed to provide alternative housing for two or more
4 unrelated releasees submit with the application, in the manner
5 specified by the department, a permit or other documentation
6 showing that the proposed alternative housing facility is in
7 compliance with all applicable municipal and county regulations.

8 Sec. 508.173. INFORMATION REGARDING ALTERNATIVE HOUSING;
9 NOTICE TO POLITICAL SUBDIVISION. (a) The department shall
10 maintain the following information regarding releasees:

11 (1) a list of facilities providing alternative housing
12 to two or more unrelated releasees, including:

13 (A) the name, address, and telephone number of
14 the facility;

15 (B) the county in which the facility is located;

16 (C) information regarding whether the facility
17 is in compliance with all applicable municipal and county
18 regulations;

19 (D) the number of releasees residing at the
20 facility; and

21 (E) the maximum capacity of the facility; and

22 (2) a list of releasees being housed at a facility
23 described by Subdivision (1), including:

24 (A) the releasee's name;

25 (B) the county in which the releasee is required
26 to reside under Section 508.181;

27 (C) the county in which the releasee committed

1 the offense for which the releasee is on parole or mandatory
2 supervision;

3 (D) the alternative housing facility in which the
4 releasee resides; and

5 (E) the date on which the releasee began residing
6 at the facility.

7 (b) On request of a county or municipality, the department
8 shall provide monthly the information maintained by the department
9 under Subsection (a). A county or municipality shall notify the
10 department if the county or municipality does not want to continue
11 to receive the information.

12 (c) The department shall provide the information to a county
13 or municipality under Subsection (b) by secured electronic mail and
14 in a machine-readable format.

15 (d) On request by a member of the legislature, the
16 department shall provide the information maintained by the
17 department under Subsection (a) to the member.

18 SECTION 3. (a) Section 493.010, Government Code, as
19 amended by this Act, applies only to a lease or contract entered
20 into on or after the effective date of this Act.

21 (b) Section 508.172, Government Code, as added by this Act,
22 applies only to an application to participate in a program
23 described by that section that is submitted on or after the
24 effective date of this Act.

25 SECTION 4. This Act takes effect September 1, 2021.

FLOOR AMENDMENT NO. 1

ADOPTED

BY: D. Becking

MAY 24 2021

1 Amend H.B. No. 954 (~~senate committee~~ ^{Secretary of the Senate} report) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. (a) As soon as practicable after the effective
5 date of this Act, the Texas Department of Criminal Justice shall
6 transfer to the City of Burnet the real property described by
7 Subsection (e) of this section.

8 (b) The City of Burnet shall use the property transferred
9 under this section only for a purpose that benefits the public
10 interest of the state. If the City of Burnet uses the property
11 for any purpose other than a purpose that benefits the public
12 interest of the state, ownership of the property automatically
13 reverts to the Texas Department of Criminal Justice.

14 (c) The Texas Department of Criminal Justice shall transfer
15 the property by an appropriate instrument of transfer. The
16 instrument of transfer must provide that:

17 (1) the City of Burnet use the property only for a
18 purpose that benefits the public interest of the state; and

19 (2) ownership of the property will automatically revert
20 to the Texas Department of Criminal Justice if the City of Burnet
21 uses the property for any purpose other than a purpose that
22 benefits the public interest of the state.

23 (d) The Texas Department of Criminal Justice shall retain
24 custody of the instrument of transfer after the instrument of
25 transfer is filed in the real property records of Burnet County.

26 (e) The real property referred to in Subsection (a) of this
27 section is described as follows:

28 A 28.157 ACRE TRACT OUT OF THE EUGENIO PEREZ SURVEY NO. 41,
29 ABSTRACT NO. 672, BURNET COUNTY, TEXAS, OF LAND AS DESCRIBED IN

1 THE REMAINDER TRACT OF A CALLED 300.000 ACRE TRACT OF LAND AS
2 DESCRIBED IN DOCUMENT TO THE STATE OF TEXAS, RECORDED ON VOLUME
3 608, PAGE 19 OF THE REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS,
4 SAID 28.157 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED
5 BY METES AND BOUNDS DESCRIPTION AS FOLLOWS:

6 BEGINNING at a found 5/8" iron pin, at the northwesterly corner of
7 a called 20.611 acre tract of land as described in document to the
8 City of Burnet, recorded in Volume 300, Page 184 of the Deed
9 Records of Burnet County, Texas, at the southwesterly corner of
10 the variable width right-of-way of Ellen Halbert Drive, along the
11 easterly line of the remnant of said 300.000 acre tract, and being
12 an easterly angle point hereof;

13 THENCE South 13°58'54" East, along the westerly line of said 20.611
14 acre tract, the westerly line of a called 2.259 acre tract of land
15 as described in document to the City of Burnet, Recorded in
16 Document No. 200908664 of the Official Public Records of Burnet
17 County, Texas, a distance of 1844.69' to a 1/2" iron pin set with
18 "CUPLIN" property cap, along the northerly line of a called 61.30
19 acre tract of land as described in document to the City of Burnet,
20 recorded in Document No. 201904590 of the Official Public Records
21 of Burnet County, Texas, along the southerly line of the remnant
22 tract of said 300.000 acre tract, and being the southeasterly
23 corner hereof, from whence a found 1/2" iron pin at the
24 southeasterly corner of said 2.259 acre tract bears North 75°50'42"
25 East, a distance of 255.72';

26 THENCE South 75°50'42" West, along the northerly line of said 61.30
27 acre tract, the southerly line of the remnant tract of said 300.000
28 acre tract, and hereof, a distance of 1120.41' to a 1/2" iron pin
29 set with "CUPLIN" property cap, at the southwesterly corner hereof,
30 from whence a found 3/8" iron pin with "Landtech" property cap at
31 the northwesterly corner of said 61.30 acre tract bears, South

1 75°50'42" West, a distance of 1497.86';
2 THENCE over and across the remnant tract of said 300.000 acre
3 tract, and the westerly lines hereof the following courses and
4 distances;
5 1) North 12°11'19" East, a distance of 850.00' to a 1/2"
6 iron pin set with "CUPLIN" property cap;
7 2) North 12°58'09" East, a distance of 525.00' to a 1/2"
8 iron pin set with "CUPLIN" property cap;
9 3) North 12°00'15" East, a distance of 415.00' to a 1/2"
10 iron pin set with "CUPLIN" property cap;
11 4) North 12°46'27" East, a distance of 155.00' to a 1/2"
12 iron pin set with "CUPLIN" property cap;
13 5) North 40°37'37" East, a distance of 92.00' to a 1/2" iron
14 pin set with "CUPLIN" property cap;
15 6) North 22°36'53" East, a distance of 110.76' to a 1/2"
16 iron pin set with "CUPLIN" property cap;
17 7) North 57°10'01" East, a distance of 69.29' to a 1/2" iron
18 pin set with "CUPLIN" property cap;
19 8) North 31°27'02" East, a distance of 55.74' to a 1/2" iron
20 pin set with "CUPLIN" property cap;
21 9) North 88°09'32" East, a distance of 10.21' to a 1/2" iron
22 pin set with "CUPLIN" property cap, along the easterly line of the
23 remnant tract of said 300.00 acre tract, the easterly line of a
24 called 70' wide access easement as described in Document
25 No. 200712014 of the Official Public Records of Burnet County,
26 Texas, along the westerly line of said Ellen Halbert Drive, and
27 being the northeasterly corner hereof, from whence a 1/2" iron pin
28 with "1877" property cap at the northeasterly corner of said 70'
29 wide access easement bears, North 14°02'32" West, a distance of
30 45.80';
31 THENCE South 14°02'32" East, along the westerly right-of-way line

1 of said Ellen Halbert Drive, the easterly line of said 70' wide
2 access easement, the easterly line of the remnant tract of said
3 300.000 acre tract, and hereof, a distance of 27.05' to a 1/2"
4 iron pin found, at the southeasterly corner of said 70' wide access
5 easement, and being an easterly angle point hereof;
6 THENCE South 13°40'34" East, along the westerly right-of-way line
7 of said Ellen Halbert Drive, the easterly line of the remnant tract
8 of said 300.000 acre tract, and hereof, a distance of 68.74' to
9 the POINT OF BEGINNING, containing 28.157 acres, more or less.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 26, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB954 by Dutton (Relating to certain contract and notice requirements applicable to certain facilities used to house inmates or releasees from the Texas Department of Criminal Justice.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to mandate certain contract and notice requirements applicable to certain facilities used to house inmates or releasees from the Texas Department of Criminal Justice (TDCJ).

The bill would require TDCJ to transfer certain real property to the City of Burnet. The bill would require the land to be used for a purpose that benefits the public; otherwise, it would automatically revert to TDCJ.

According to TDCJ, no significant fiscal implication to the state is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JMc, LBO, DKN, DPE, BC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 17, 2021

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB954 by Dutton (Relating to certain contract and notice requirements applicable to certain facilities used to house inmates or releasees from the Texas Department of Criminal Justice.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to mandate certain contract and notice requirements applicable to certain facilities used to house inmates or releasees from the Texas Department of Criminal Justice.

This analysis assumes the provisions of the bill would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

According to the Department of Criminal Justice, no significant fiscal implication to the state is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JMc, DKN, DPE, BC

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 23, 2021

TO: Honorable Andrew S. Murr, Chair, House Committee on Corrections

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB954 by Dutton (Relating to certain contract and notice requirements applicable to certain facilities used to house inmates or releasees from the Texas Department of Criminal Justice.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to mandate certain contract and notice requirements applicable to certain facilities used to house inmates or releasees from the Texas Department of Criminal Justice.

This analysis assumes the provisions of the bill would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

According to the Department of Criminal Justice, no significant fiscal implication to the state is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 696 Department of Criminal Justice

LBB Staff: JMc, DKN, BC, DPE

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT
87TH LEGISLATIVE REGULAR SESSION

March 23, 2021

TO: Honorable Andrew S. Murr, Chair, House Committee on Corrections

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB954 by Dutton (Relating to certain contract and notice requirements applicable to certain facilities used to house inmates or releasees from the Texas Department of Criminal Justice.), **As Introduced**

The provisions of the bill addressed by this analysis would amend the Government Code as it relates to requirements for contracts and notification applicable to certain facilities used to house inmates or releasees from the Texas Department of Criminal Justice. Under the provisions of the bill, certain requirements would be added for alternative housing facilities located in counties of a certain size.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

Source

Agencies:

LBB Staff: JMc, DKN, LM, MP