

## **BILL ANALYSIS**

S.B. 572  
By: Kolkhorst  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The number of unaccompanied children arriving at Texas' southern border and referred to the Department of Health and Human Services' Office of Refugee Resettlement (ORR) increased from 1,929 children in October 2020 to 20,339 children in April 2021. ORR is responsible for regulating child care facilities that care for these unaccompanied children. In fiscal year 2021, ORR provided funding to approximately 200 facilities and programs in 22 states, and as of May 2023, there are more than 8,400 children in ORR care.

In 2021, Governor Abbott issued a disaster proclamation directing the Texas Health and Human Services Commission (HHSC) to "take all necessary steps to discontinue state licensing of any child-care facility in this state that shelters or detains unlawful immigrants or other individuals not lawfully present in the United States under a contract with the federal government." HHSC then issued an emergency rule implementing the governor's proclamation, which allowed facilities that house migrant children to continue operating, but without oversight or monitoring by the state.

Because Texas no longer licenses such facilities, per executive order, areas outside of home-rule city limits face potential lawsuits over the authority to enact and enforce zoning codes to protect the health and safety of residents. A facility to house migrant male children under 18 years old was proposed within the city limits of Wallis, Texas, and many of the city's residents, including the Austin County judge, expressed concern that the area lacked the resources to properly serve the migrant children in the federal facility and were not granted proper notice in the siting of the facility. Community leaders also noted their lack of ability to legally challenge the new development.

S.B. 572 seeks to address this issue by authorizing counties and general-law municipalities to take measures to ensure the health and safety of individuals in a residential child detention facility.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 572 amends the Local Government Code to authorize a general-law municipality or a county in the unincorporated area of the county to designate an area in which a residential child

detention facility may be located and take other measures necessary to protect the health and safety of the individuals residing in a residential child detention facility. The bill defines "residential child detention facility" as a private facility other than a facility licensed by the State of Texas that operates under a contract with the U.S. Immigration and Customs Enforcement, the U.S. Department of Health and Human Services, or another federal agency to provide 24-hour custody or care to unaccompanied immigrant or refugee children. The bill's provisions expressly apply only to a residential child detention facility.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.