

SUBJECT: Hearings, contracts when siting correctional or rehabilitation facilities

COMMITTEE: Corrections — favorable, with amendment

VOTE: 7 ayes — Haggerty, Allen, Culberson, Ellis, Gray, Lengefeld, Longoria

0 nays

2 absent — Staples, Farrar

WITNESSES: For — Jolyn Piercy, Rosewood/Glen Oaks Neighborhood Association

Against — None

BACKGROUND: Certain entities proposing to build or operate a correctional or rehabilitation facility within 1,000 feet of a residential area, school, park, or place of worship must, if requested, notify local governmental officials. This applies to state agencies, political subdivisions of the state, and private vendors operating under a contract with an agency or political subdivision.

Local consent to operate the facility is granted unless within 60 days of receiving notice the local government officials determine by resolution after a public hearing that the operation of the correctional or rehabilitation facility at the proposed location is not in the best interest of the county or city.

These requirements do not apply if a correctional or rehabilitation facility is a temporary facility that will be operated at the location for less than one year.

DIGEST: HB 621, as amended, would require that a public hearing relating to a proposed correctional or rehabilitation facility for treating persons on parole or community supervision be held in a public meeting facility that was as close as possible to the proposed location of the facility.

The entities that can be required to give notice to local government officials about a proposed correctional or rehabilitation facility could not enter into a contract, including a lease, for the construction and operation of the proposed facility until the 60-day approval period had expired.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

**SUPPORTERS
SAY:**

HB 621, as amended, would close loopholes in current law that have allowed correctional and rehabilitation facilities to skirt the intent of current law and avoid giving citizens and local governments an adequate opportunity to be heard. The bill would not place undue burden on such facilities but simply would ensure that they followed the intent of the law.

Problems with the current law came to light when a halfway house for probationers and parolees that moved into an Austin neighborhood complied with the letter but not the spirit of the law. A public hearing was held on the proposed facility, but not in the area where the facility was to be located, making it inaccessible to many neighborhood residents. Also, while the local approval period was still open, the facility signed a lease for 364 days, one day short of a year, to remove itself from the requirements of current law.

HB 621 would help stop these bad-faith practices. Public hearings would have to be held close to the proposed facility to ensure that local residents had access to the meetings and a chance to have their voices heard.

Facilities could not enter into contracts until the local approval period was over to ensure that local governments got their say about the proposed facility. This would stop attempts to short-circuit the approval period by signing a lease for a “temporary” facility when a local government was still deliberating.

**OPPONENTS
SAY:**

While HB 621 would require hearings to be held as close as possible to a proposed facility, sometimes it is better to hold a hearing in a neutral site rather than in a politically charged atmosphere in a neighborhood. Prohibiting the signing of contracts during the local government approval time could be an unnecessary overreaction to a mistake made by one facility.

By making things more difficult for facilities trying to help probationers and parolees, HB 621 could result in fewer providers being willing to operate facilities for offenders. Making it more difficult for facilities to operate in neighborhoods could drive them to the outskirts of town, which would not be the best location for offenders to become reintegrated into society.

NOTES: The committee amendment would specify that it would apply to correctional and rehabilitation facilities for the treatment of persons on parole or community supervision.