

BILL ANALYSIS

Senate Research Center

H.B. 485
By: McClendon (Nelson)
Criminal Justice
3-19-97
Engrossed

DIGEST

Currently, certain entities operating correctional facilities in Texas may contract with other states to house inmates convicted of crimes in those states in Texas facilities. As of December 1996, the Texas Commission on Jail Standards (commission) reported that there were approximately 5,000 prisoners in Texas' facilities from 14 other states. Under rules of the commission, the contracts for housing out-of-state prisoners are required to contain provisions that all inmates confined pursuant to the contract be released within the jurisdiction of the sending entity. Although administrative rules currently control this release policy, a statute would further bolster this requirement and ensure that out-of-state inmates will not be released in Texas. This bill would require an out-of-state inmate housed in a correctional facility in this state to be returned to the sending state before the inmate's release from imprisonment.

PURPOSE

As proposed, H.B. 450 requires an out-of-state inmate housed in a correctional facility in this state to be returned to the sending state before the inmate's release from imprisonment.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 495B, Government Code, by adding Section 495.024, as follows:

Sec. 495.024. RELEASE OF OUT-OF-STATE INMATES. Requires a county, municipality, or private vendor operating a correctional facility under a contract with a county under Chapter 351F, Local Government Code, or a municipality under Chapter 361E, Local Government Code, that enters into a contract with any entity to house in this state inmates convicted of offenses committed against the laws of another state of the United States to require as a condition of the contract that each inmate to be released from custody must be released in the sending state.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Emergency clause.
Effective date: upon passage.