

Correctional or Rehabilitation Facility Subchapter

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H.B. 1331 Solomons, et al(Lucio)

Summary

The Correctional or Rehabilitation Facility Subchapter (the Subchapter), enacted in 1997, authorizes local officials (county and city governing bodies) to deny consent for the location of certain correctional or rehabilitation facilities proposed to be built or operated within 1,000 feet of a residential area, school, public park, or place of worship. The Subchapter applies to correctional facilities, such as state jails, halfway houses, probation and parole offices, and residential facilities operated or contracted for by the Texas Department of Criminal Justice, the Texas Youth Commission, or other political subdivisions of the state. The Legislature directed the Sunset Commission to review the need for, and effectiveness of, this law.

House Bill 1331 contains the Sunset Commission's recommendations to continue the Subchapter, and to ensure that local communities receive notice and have a reasonable amount of time to review a proposed facility. The major provision of H.B. 1331 is listed below, and a more detailed discussion follows.

Sunset Provision

1. Continue the Correctional or Rehabilitation Facility Subchapter, and Require the State to Provide Notice of These Facilities to Local Officials.

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House Bill 1331 continues the Subchapter and removes its Sunset date so these statutes can be incorporated in the next Sunset review of the Texas Department of Criminal Justice, scheduled for 2011. Reviewing the Subchapter in eight years will provide another look at the impact of the local veto authority to determine if any further problems arise, particularly if significant expansion of these facilities occurs. The bill also improves the process by requiring better notice to county and city governing bodies of planned correctional or rehabilitation facilities.

Fiscal Implication Summary ---

This legislation will not have a fiscal impact to the State.