

By: Turner

H.B. No. 2699

Substitute the following for H.B. No. 2699:

By: Madden

C.S.H.B. No. 2699

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of special monitors for the Commission on
3 Jail Standards.

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

5 SECTION 1. Chapter 511, Government Code, is amended by
6 adding Section 511.018 to read as follows:

7 Sec. 511.018. SPECIAL MONITORS. (a) The executive
8 director may place under a special monitor any correctional
9 facility that fails three consecutive annual inspections due to
10 management-related deficiencies.

11 (b) A correctional facility that fails an annual inspection
12 due to management-related deficiencies but subsequently corrects
13 those deficiencies and passes a reinspection is not considered to
14 have failed an annual inspection for purposes of Subsection (a).

15 (c) The executive director shall select persons with whom
16 the commission shall contract to serve as special monitors for the
17 commission. The commission shall provide training and supervision
18 for persons with whom the commission contracts under this
19 subsection.

20 (d) In selecting persons with whom the commission contracts
21 under Subsection (c), the executive director shall:

22 (1) select persons who are not employees of the
23 commission or a correctional facility;

24 (2) comply with any applicable requirement or standard

1 established by the Texas Building and Procurement Commission; and

2 (3) use criteria related to the nature of the
3 deficiency that resulted in the facility's report of noncompliance.

4 (e) A contract entered under this section must:

5 (1) set an amount of monthly compensation to be paid to
6 the special monitor; and

7 (2) expire on the 90th day after the date the
8 correctional facility under review and monitoring by the special
9 monitor is certified by the commission to comply with all
10 applicable state laws and minimum standards with respect to which
11 the facility was found to have management-related deficiencies.

12 (f) A special monitor shall:

13 (1) ensure that the correctional facility is taking
14 adequate measures to remedy any management-related deficiency that
15 resulted in the facility's report of noncompliance;

16 (2) suggest in writing to the correctional facility
17 additional measures the facility could take to remedy any
18 deficiency described by Subdivision (1);

19 (3) provide to each entity that owns the correctional
20 facility or that is responsible for the operation of the
21 correctional facility a written quarterly report concerning the
22 status and progress of the review; and

23 (4) provide to the commission at each regular
24 quarterly commission meeting the report described by Subdivision
25 (3).

26 (g) At the end of each month any portion of which a special
27 monitor reviewed a correctional facility, the special monitor shall

1 submit to the executive director a bill for the review and
2 monitoring of the correctional facility conducted by the special
3 monitor. If the executive director determines that the bill
4 complies with the terms of the special monitor's contract, the
5 executive director shall immediately forward the bill to the county
6 or municipality that operates the correctional facility or for
7 which a private vendor operates the correctional facility.

8 (h) A county or municipality that receives a bill from the
9 executive director under Subsection (g) shall make payment on the
10 bill in the same manner as the county or municipality makes payments
11 on other county or municipal obligations.

12 SECTION 2. Section 511.0091, Government Code, is amended by
13 adding Subsection (e) to read as follows:

14 (e) To reimburse the commission for costs incurred in
15 implementing and administering Section 511.018, the commission
16 shall collect a fee from a county or municipality that operates a
17 correctional facility or for which a private vendor operates a
18 correctional facility that is placed under a special monitor under
19 that section. The fee must be in an amount equal to two percent of
20 the total amount paid by the county or municipality to the special
21 monitor under Section 511.018(h).

22 SECTION 3. This Act takes effect September 1, 2007.