

TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 6 TEXAS DEPARTMENT OF CRIMINAL JUSTICE
CHAPTER 152 CORRECTIONAL INSTITUTIONS DIVISION
SUBCHAPTER D OTHER RULES
RULE § 152.81 Housing of Inmates

Proposed Preamble

The Texas Board of Criminal Justice (board) proposes new rule § 152.81, concerning Housing of Inmates. The proposed new rule states inmates shall be housed in compliance with state and federal law in accordance with Senate Bill 8, which was passed during the 89th Second Special Session and established Texas Government Code § 3002.054.

Ron Steffa, Chief Financial Officer for the Texas Department of Criminal Justice (TDCJ), has determined that for each year of the first five years the proposed new rule will be in effect, enforcing or administering the proposed new rule will not have foreseeable implications related to costs or revenues for state or local government because the proposed new rule merely documents existing procedures.

Mr. Steffa has also determined that for each year of the first five-year period, there will not be an economic impact on persons required to comply with the rules because the proposed new rule merely clarify existing procedures. There will not be an adverse economic impact on small or micro businesses or on rural communities. Therefore, no regulatory flexibility analysis is required. The anticipated public benefit, as a result of enforcing the proposed new rule, will be to enhance clarity and public understanding. No cost will be imposed on regulated persons.

The proposed new rule will have no impact on government growth; no impact on local employment; no creation or elimination of a government program; no creation or elimination of employee positions; no increase or decrease in future legislative appropriations to the TDCJ; no increase or decrease in fees paid to the TDCJ; no new regulation and no effect on an existing regulation; no increase or decrease in the number of individuals subject to the rule; and no effect upon the economy. The proposed new rule will not constitute a taking.

Comments and information such as applicable data, research, or analysis related to the cost, benefit, or effect of the proposed new rule should be directed to the Office of the General Counsel, Texas Department of Criminal Justice, P.O. Box 4004, Huntsville, Texas 77342, ogccomments@tdcj.texas.gov. Written comments and informational submissions from the general public must be received within 30 days of the publication of this rule in the *Texas Register*.

The new rule is proposed under Texas Government Code § 3002.054, which establishes the requirement for inmates to be housed according to sex; and 28 C.F.R. Part 115, which establishes the Prison Rape Elimination Act.

Cross Reference to Statutes: None.

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RULE § 152.81 **Housing of Inmates**

Inmates shall be housed in compliance with state and federal law.