

CHAPTER 92

H.B. No. 16

AN ACT

relating to the location of a county jail in counties having only one county jail.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Article 1603, Revised Statutes, is amended to read as follows:

Art. 1603. BUILDINGS TO BE PROVIDED. (a) The county commissioners court of each county, as soon as practicable after the establishment of a county seat, or after its removal from one place to another, shall provide a *courthouse* [~~court-house~~] and jail for the county, and offices for county officers at such county seat and keep the same in good repair; and

(b) *Provided, however, that if a county shall have only one jail, such jail may be located anywhere in the county at the discretion of the commissioners court.*

SECTION 2. Chapter 333, General Laws, Acts of the 42nd Legislature, Regular Session, 1931 (Article 1605a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. The Commissioners Court of each county of this State shall have the power and authority to provide, maintain, and repair a *branch* [~~aa~~] office building and/or a *branch* jail in one or more cities, other than the county seat, having a population of Fifteen Thousand (15,000) or more, according to the last preceding federal census in the same manner as the Commissioners Court may now provide for and maintain a courthouse and jail at the county seat, and upon the acquisition or construction of such *facilities* [~~office building~~], the Commissioners Court may authorize, in the same manner as authorized by Article 1605, the *maintenance* [~~maintaining~~] of branch offices in each of said cities, except the District Clerk, County and District Judges, County Clerk, and County Treasurer, provided that all officers shall keep all original records at the county seat, and deputies may be provided as authorized in Article 1605. The Commissioners Court shall

have the care and custody of such buildings and may place such limitations as it may see fit on the authorization and maintenance of branch offices.

Sec. 2. Said *branch* office building and/or *branch* jail may be provided for, maintained and repaired by the issuance of bonds as is provided by Chapters 1 and 2, Title 22, Revised Civil Statutes, 1925, and all amendments thereto, or to provide, maintain, and repair the same through the issuance of evidences of indebtedness in the same manner as courthouses and jails at the county seats, and the taxes may be levied therefor in the same manner and subject to the same limitations as for courthouses and jails at the county seat; provided, however, that the cost of any such *branch* office building and/or *branch* jail shall not exceed more than two percent of the taxable values of the county for the last preceding year.

Sec. 3. All acts heretofore taken and proceedings heretofore adopted by the Commissioners Court in any county providing for the purchasing of a site and erecting and equipping an office building for county officers in any city other than the county seat of such county, all evidences of indebtedness heretofore authorized to finance the same, and all tax levies heretofore made in behalf of such evidences of indebtedness are in all things confirmed, approved and validated; provided, however, nothing in this Act shall validate any evidence of indebtedness the validity of which is in question in a court of competent jurisdiction on the effective date of this Act or any subsequent amendment thereto if the ultimate decision of the court is against the validity thereof.

SECTION 3. Chapter 57, Acts of the 57th Legislature, Regular Session, 1961 (Article 1605a-2, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. In all counties having a population of more than 25,000 but less than 25,050, according to the last preceding federal census, the Commissioners Court of each said county shall have the power and authority to construct, operate and maintain a *branch* [an] office building and/or *branch* jail at a city other than the county seat in the same manner as such Commissioners Court may now [not] provide for and maintain a *courthouse* [court house] and jail at the county seat. The Commissioners Court may authorize the maintenance of a branch office of the county tax assessor and collector, a jail, and a justice court in such buildings. However, all county officers shall keep all original records at the county seat. The Commissioners Court shall have the care and custody of such buildings and may place such limitations as it may see fit on the authorization and maintenance of such facilities. When authorized to maintain such branch office, the assessor and collector of taxes may appoint one or more deputies for said offices. The expenses incidental to maintaining said facilities shall be considered as a part of the necessary expenses of the county. Said deputy assessor-collectors shall have the right to collect taxes from all persons who desire to pay their taxes to them, and to issue a valid receipt therefor. Such deputy shall enter into such bond, payable to the County Judge of the county, as the tax assessor and collector and Commissioners Court of the county may require. The period of time such branch offices shall be maintained, and the salary of such deputy collector and the period of time he shall hold such office shall be fixed by the Commissioners Court and such deputy collector shall be subject to all of the terms and provisions of the law relating to deputy tax collectors. The tax collectors shall remain liable on his bonds for all taxes collected by such deputy, and nothing herein shall be construed as a limitation on the liability of the bonds of either the tax collector or such deputy. Nothing contained herein shall be construed as making it mandatory upon the assessor and collector of taxes and the Commissioners Courts of such counties to maintain such branch offices and appoint such deputies, but the establishment of such branch offices and the appointment shall wholly be within the discretion of the Commissioners Courts of such counties. When such branch office or offices are established and a deputy or deputies are appointed hereunder, the salary or salaries to be paid and *expenses* [expense] necessary to maintain said office or offices shall be considered as a part of the necessary expenses of the assessor and collector of taxes, and shall be paid as now provided by law for the payment of the expenses of the assessor and collector of taxes.

Sec. 2. Said *branch* office building and/or *branch* jail may be provided for, maintained and repaired by the issuance of bonds as is provided by Chapters 1 and 2, Title 22, Revised Civil Statutes, 1925, as amended, or it may be provided for, maintained, and

repaired through the issuance of evidences of indebtedness in the same manner as courthouses and jails at the county seats, and the taxes may be levied therefor in the same manner and subject to the same limitations as for courthouses and jails at the county seat.

SECTION 4. Section 1, Chapter 476, Acts of the 55th Legislature, Regular Session, 1957 (Article 2370b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. (a) Whenever the Commissioners Court of any county determines that the county courthouse is not adequate in size or facilities to properly house all county and district offices and all county and district courts and all justice of the peace courts for the precincts in which the courthouse is situated, and to adequately store all county records and equipment (including voting machines) and/or that the county jail is not adequate in size or facilities to properly confine prisoners and other persons who may be legally confined or detained in a county jail, the Commissioners Court may purchase, construct, reconstruct, remodel, improve and equip, or otherwise acquire an office building or buildings, or courts building or buildings, or jail building or buildings (in addition to the existing courthouse and/or jail), or an additional building or buildings in which any one or more of the county or district offices or county, district or justice of the peace courts, or the county jail or any other county facilities or functions may be housed, conducted and maintained; and may purchase and improve the necessary site or sites therefor, and may use such building or buildings for any or all of such purposes, provided that any such building or buildings so acquired shall be located in the county seat, but provided that any regional jail facility built according to the provisions of Section 4(h), The Interlocal Cooperation Act, as amended (Article 4413(32c), Vernon's Texas Civil Statutes), may be located outside the county seat, and further provided that no justice of the peace court shall be housed, conducted or maintained in any such building if said building is located out of the boundaries of the precinct of such justice of the peace court.

(b) *If, however, a county has only one county jail, such jail may be located anywhere in the county at the discretion of the Commissioners Court.*

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on February 19, 1987, by a non-record vote. Passed by the Senate on April 30, 1987, by the following vote: Yeas 31, Nays 0.

Approved May 14, 1987.

Effective 90 days after date of adjournment.