

By: White, Collier

H.B. No. 719

A BILL TO BE ENTITLED

AN ACT

1
2 relating to Texas Department of Criminal Justice transfer
3 facilities.

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

5 SECTION 1. Section 493.015(b), Government Code, is amended
6 to read as follows:

7 (b) The department shall identify those inmates who are
8 imprisoned in the institutional division or confined in [~~a transfer~~
9 ~~facility,~~] a substance abuse treatment facility, a state jail
10 felony facility, or a county jail awaiting transfer to the
11 institutional division and for whom the department is unable to
12 reasonably ascertain whether or not the person is an illegal
13 criminal alien.

14 SECTION 2. Section 498.002, Government Code, is amended to
15 read as follows:

16 Sec. 498.002. CLASSIFICATION AND RECLASSIFICATION. The
17 department shall classify each inmate as soon as practicable on the
18 inmate's arrival at the institutional division [~~or a transfer~~
19 ~~facility]~~ and, subject to the requirements of Section 498.005,
20 shall reclassify the inmate as circumstances warrant. Each inmate
21 must be classified according to the inmate's conduct, obedience,
22 and industry. The department shall maintain a record on each inmate
23 showing each classification and reclassification of the inmate with
24 the date and reason for each classification or reclassification.

1 The department may classify each inmate on the inmate's arrival at
2 the institutional division [~~or a transfer facility~~] in a
3 time-earning category that does not allow the inmate to earn more
4 than 30 days' good conduct time for each 30 days actually served.

5 SECTION 3. Section 498.004(a), Government Code, is amended
6 to read as follows:

7 (a) If, during the actual term of imprisonment of an inmate
8 in the department [~~or in a transfer facility~~], the inmate commits an
9 offense or violates a rule of the department, the department may
10 forfeit all or any part of the inmate's accrued good conduct time
11 or, in accordance with the policy adopted under Subsection (c),
12 place all or any part of the inmate's accrued good conduct time in
13 suspension. The department may not restore good conduct time
14 forfeited under this subsection but may reinstate good conduct time
15 suspended under this subsection.

16 SECTION 4. Sections 498.0042(a) and (b), Government Code,
17 are amended to read as follows:

18 (a) The department shall adopt policies that prohibit an
19 inmate in the institutional division [~~or in a transfer facility~~]
20 from contacting by letter, telephone, or any other means, either
21 directly or indirectly, a victim of the offense for which the inmate
22 is serving a sentence or a member of the victim's family, if:

23 (1) the victim was younger than 17 years of age at the
24 time of the commission of the offense; and

25 (2) the department has not, before the inmate makes
26 contact:

27 (A) received written consent to the contact from:

1 (i) a parent of the victim or the member of
2 the victim's family, other than the inmate;

3 (ii) a legal guardian of the victim or the
4 member of the victim's family; or

5 (iii) the victim or the member of the
6 victim's family, if the victim is 17 years of age or older at the
7 time of giving the consent; and

8 (B) provided the inmate with a copy of the
9 consent.

10 (b) If, during the actual term of imprisonment of an inmate
11 in the institutional division [~~or a transfer facility~~], the inmate
12 violates a policy adopted under Subsection (a) or an order entered
13 under Article 42.24, Code of Criminal Procedure, the department
14 shall forfeit all or any part of the inmate's accrued good conduct
15 time. The department may not restore good conduct time forfeited
16 under this subsection.

17 SECTION 5. Section 500.006(b), Government Code, is amended
18 to read as follows:

19 (b) An inmate may not be transported directly from a county
20 jail to an institutional division facility other than a designated
21 diagnostic unit [~~or a transfer facility~~].

22 SECTION 6. Section 507.006(a), Government Code, is amended
23 to read as follows:

24 (a) Notwithstanding any other provision of this subchapter,
25 the state jail division, with the approval of the board, may
26 designate one or more state jail felony facilities or discrete
27 areas within one or more state jail felony facilities to treat

1 inmates who are eligible for confinement in a substance abuse
2 felony punishment facility under Section 493.009 or to house
3 inmates who are sentenced to imprisonment in the institutional
4 division [~~eligible for confinement in a transfer facility under~~
5 ~~Section 499.152~~], but only if the designation does not deny
6 placement in a state jail felony facility of defendants required to
7 serve terms of confinement in a facility following conviction of
8 state jail felonies. The division may not house in a state jail
9 felony facility an inmate who:

10 (1) has a history of or has shown a pattern of violent
11 or assaultive behavior in county jail or a facility operated by the
12 department; or

13 (2) will increase the likelihood of harm to the public
14 if housed in the facility.

15 SECTION 7. Section 508.081(2), Government Code, is amended
16 to read as follows:

17 (2) "Inmate" includes:

18 (A) an administrative releasee;

19 (B) an inmate imprisoned in the institutional
20 division; and

21 (C) a person confined in a [~~transfer facility or~~
22 county jail awaiting:

23 (i) transfer to the institutional division;

24 or

25 (ii) a revocation hearing.

26 SECTION 8. The heading to Section 511.017, Government Code,
27 is amended to read as follows:

1 Sec. 511.017. DUTIES RELATED TO STATE JAIL FELONY
2 FACILITIES [~~AND INSTITUTIONAL DIVISION TRANSFER FACILITIES~~].

3 SECTION 9. The following provisions of the Government Code
4 are repealed:

- 5 (1) Subchapter [G](#), Chapter [499](#);
- 6 (2) Section [507.006](#)(b); and
- 7 (3) Section [511.017](#)(a)(3).

8 SECTION 10. This Act takes effect September 1, 2021.