

1-1 By: White, Collier (Senate Sponsor - Whitmire) H.B. No. 719
 1-2 (In the Senate - Received from the House April 12, 2021;
 1-3 April 13, 2021, read first time and referred to Committee on
 1-4 Criminal Justice; May 6, 2021, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; May 6, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to Texas Department of Criminal Justice transfer
 1-18 facilities.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 493.015(b), Government Code, is amended
 1-21 to read as follows:

1-22 (b) The department shall identify those inmates who are
 1-23 imprisoned in the institutional division or confined in ~~[a transfer~~
 1-24 ~~facility]~~ a substance abuse treatment facility, a state jail
 1-25 felony facility, or a county jail awaiting transfer to the
 1-26 institutional division and for whom the department is unable to
 1-27 reasonably ascertain whether or not the person is an illegal
 1-28 criminal alien.

1-29 SECTION 2. Section 498.002, Government Code, is amended to
 1-30 read as follows:

1-31 Sec. 498.002. CLASSIFICATION AND RECLASSIFICATION. The
 1-32 department shall classify each inmate as soon as practicable on the
 1-33 inmate's arrival at the institutional division ~~[or a transfer~~
 1-34 ~~facility]~~ and, subject to the requirements of Section 498.005,
 1-35 shall reclassify the inmate as circumstances warrant. Each inmate
 1-36 must be classified according to the inmate's conduct, obedience,
 1-37 and industry. The department shall maintain a record on each inmate
 1-38 showing each classification and reclassification of the inmate with
 1-39 the date and reason for each classification or reclassification.
 1-40 The department may classify each inmate on the inmate's arrival at
 1-41 the institutional division ~~[or a transfer facility]~~ in a
 1-42 time-earning category that does not allow the inmate to earn more
 1-43 than 30 days' good conduct time for each 30 days actually served.

1-44 SECTION 3. Section 498.004(a), Government Code, is amended
 1-45 to read as follows:

1-46 (a) If, during the actual term of imprisonment of an inmate
 1-47 in the department ~~[or in a transfer facility]~~, the inmate commits an
 1-48 offense or violates a rule of the department, the department may
 1-49 forfeit all or any part of the inmate's accrued good conduct time
 1-50 or, in accordance with the policy adopted under Subsection (c),
 1-51 place all or any part of the inmate's accrued good conduct time in
 1-52 suspension. The department may not restore good conduct time
 1-53 forfeited under this subsection but may reinstate good conduct time
 1-54 suspended under this subsection.

1-55 SECTION 4. Sections 498.0042(a) and (b), Government Code,
 1-56 are amended to read as follows:

1-57 (a) The department shall adopt policies that prohibit an
 1-58 inmate in the institutional division ~~[or in a transfer facility]~~
 1-59 from contacting by letter, telephone, or any other means, either
 1-60 directly or indirectly, a victim of the offense for which the inmate
 1-61 is serving a sentence or a member of the victim's family, if:

2-1 (1) the victim was younger than 17 years of age at the
2-2 time of the commission of the offense; and

2-3 (2) the department has not, before the inmate makes
2-4 contact:

2-5 (A) received written consent to the contact from:
2-6 (i) a parent of the victim or the member of
2-7 the victim's family, other than the inmate;

2-8 (ii) a legal guardian of the victim or the
2-9 member of the victim's family; or

2-10 (iii) the victim or the member of the
2-11 victim's family, if the victim is 17 years of age or older at the
2-12 time of giving the consent; and

2-13 (B) provided the inmate with a copy of the
2-14 consent.

2-15 (b) If, during the actual term of imprisonment of an inmate
2-16 in the institutional division [~~or a transfer facility~~], the inmate
2-17 violates a policy adopted under Subsection (a) or an order entered
2-18 under Article 42.24, Code of Criminal Procedure, the department
2-19 shall forfeit all or any part of the inmate's accrued good conduct
2-20 time. The department may not restore good conduct time forfeited
2-21 under this subsection.

2-22 SECTION 5. Section 500.006(b), Government Code, is amended
2-23 to read as follows:

2-24 (b) An inmate may not be transported directly from a county
2-25 jail to an institutional division facility other than a designated
2-26 diagnostic unit [~~or a transfer facility~~].

2-27 SECTION 6. Section 507.006(a), Government Code, is amended
2-28 to read as follows:

2-29 (a) Notwithstanding any other provision of this subchapter,
2-30 the state jail division, with the approval of the board, may
2-31 designate one or more state jail felony facilities or discrete
2-32 areas within one or more state jail felony facilities to treat
2-33 inmates who are eligible for confinement in a substance abuse
2-34 felony punishment facility under Section 493.009 or to house
2-35 inmates who are sentenced to imprisonment in the institutional
2-36 division [~~eligible for confinement in a transfer facility under~~
2-37 ~~Section 499.152~~], but only if the designation does not deny
2-38 placement in a state jail felony facility of defendants required to
2-39 serve terms of confinement in a facility following conviction of
2-40 state jail felonies. The division may not house in a state jail
2-41 felony facility an inmate who:

2-42 (1) has a history of or has shown a pattern of violent
2-43 or assaultive behavior in county jail or a facility operated by the
2-44 department; or

2-45 (2) will increase the likelihood of harm to the public
2-46 if housed in the facility.

2-47 SECTION 7. Section 508.081(2), Government Code, is amended
2-48 to read as follows:

2-49 (2) "Inmate" includes:

2-50 (A) an administrative releasee;

2-51 (B) an inmate imprisoned in the institutional
2-52 division; and

2-53 (C) a person confined in a [~~transfer facility or~~
2-54 county jail awaiting:

2-55 (i) transfer to the institutional division;
2-56 or

2-57 (ii) a revocation hearing.

2-58 SECTION 8. The heading to Section 511.017, Government Code,
2-59 is amended to read as follows:

2-60 Sec. 511.017. DUTIES RELATED TO STATE JAIL FELONY
2-61 FACILITIES [~~AND INSTITUTIONAL DIVISION TRANSFER FACILITIES~~].

2-62 SECTION 9. The following provisions of the Government Code
2-63 are repealed:

2-64 (1) Subchapter G, Chapter 499;

2-65 (2) Section 507.006(b); and

2-66 (3) Section 511.017(a)(3).

2-67 SECTION 10. This Act takes effect September 1, 2021.