

By: White

H.B. No. 2831

A BILL TO BE ENTITLED

AN ACT

relating to the confinement in county jail of persons with intellectual or developmental disabilities.

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

SECTION 1. Chapter 511, Government Code, is amended by adding Section 511.022 to read as follows:

Sec. 511.022. ADVISORY COMMITTEE. (a) The commission shall establish an advisory committee to advise the commission and make recommendations on matters related to the confinement in county jail of persons with intellectual or developmental disabilities.

(b) The advisory committee consists of 11 members appointed by the presiding officer of the commission, with the commission's approval, as follows:

(1) one representative of the commission;

(2) one representative of the Department of State Health Services;

(3) one representative of the Health and Human Services Commission with expertise in intellectual and developmental disabilities;

(4) one representative of the Texas Commission on Law Enforcement;

(5) one representative of the Texas Correctional Office on Offenders with Medical or Mental Impairments;

1           (6) one sheriff of a county with a population of 80,000

2 or more;

3           (7) one sheriff of a county with a population of less

4 than 80,000;

5           (8) one representative of a statewide organization

6 that advocates for individuals with intellectual and developmental

7 disabilities;

8           (9) one representative who is a mental health

9 professional with a focus on trauma and intellectual and

10 developmental disabilities;

11           (10) one representative from a state supported living

12 center; and

13           (11) one member who represents the public.

14           (c) Members of the advisory committee serve staggered

15 six-year terms, with the terms of three or four members expiring

16 January 31 of each odd-numbered year. If a vacancy occurs during a

17 member's term, the presiding officer of the commission, with the

18 commission's approval, shall appoint a replacement to fill the

19 unexpired term.

20           (d) The presiding officer of the commission shall designate

21 one member of the advisory committee to serve as presiding officer

22 of the committee for a two-year term.

23           (e) The advisory committee shall:

24           (1) gather and review data regarding the confinement

25 in county jails of persons with intellectual or developmental

26 disabilities; and

27           (2) provide recommendations and guidelines to

1 sheriffs and counties regarding the confinement of persons with  
2 intellectual or developmental disabilities.

3 (f) Not later than December 1 of each even-numbered year,  
4 the advisory committee shall submit a report that includes  
5 recommendations for legislative or other action related to the  
6 confinement of persons with intellectual or developmental  
7 disabilities in county jails to:

8 (1) the governor;

9 (2) the lieutenant governor;

10 (3) the speaker of the house of representatives; and

11 (4) each standing committee of the legislature with  
12 primary jurisdiction over the commission.

13 (g) Chapter 2110 does not apply to the size, composition, or  
14 duration of the advisory committee or to the designation of the  
15 committee's presiding officer.

16 SECTION 2. Chapter 511, Government Code, is amended by  
17 adding Section 511.023 to read as follows:

18 Sec. 511.023. INTAKE OF PERSONS WITH INTELLECTUAL OR  
19 DEVELOPMENTAL DISABILITIES. (a) The commission, with the  
20 assistance of the advisory committee established under Section  
21 511.022, shall:

22 (1) monitor the intake processes in county jails to  
23 assess each county jail's ability to properly identify persons with  
24 intellectual or developmental disabilities; and

25 (2) assist county jails in improving the intake  
26 processes with respect to persons with intellectual or  
27 developmental disabilities.

1       (b) Not later than December 1, 2022, the commission, with  
2 the assistance of the advisory committee established under Section  
3 511.022, shall prepare and submit a report to the governor, the  
4 lieutenant governor, the speaker of the house of representatives,  
5 each standing committee of the legislature with primary  
6 jurisdiction over the commission, and each sheriff that includes:

7               (1) a discussion of any deficiencies in the intake  
8 processes that have been identified by the commission; and

9               (2) recommendations to improve county jail practices  
10 regarding identifying persons with intellectual or developmental  
11 disabilities.

12       (c) This subsection and Subsection (b) expire January 1,  
13 2023.

14       SECTION 3. Subchapter F, Chapter 1701, Occupations Code, is  
15 amended by adding Section 1701.269 to read as follows:

16       Sec. 1701.269. TRAINING PROGRAM RELATING TO COUNTY JAILER  
17 INTERACTIONS WITH PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL  
18 DISABILITIES. (a) The commission and the Commission on Jail  
19 Standards shall jointly develop, with the assistance of the  
20 advisory committee established under Section 511.022, Government  
21 Code, a training program for county jailers that consists of at  
22 least four hours of education and training on interacting with a  
23 person with an intellectual or developmental disability who is  
24 confined in a county jail, including techniques to assess a person  
25 for an intellectual or developmental disability.

26       (b) A county jailer who completes the training program may  
27 count the hours toward the jailer's continuing education

1 requirements under this chapter.

2 SECTION 4. (a) Not later than January 1, 2022, the  
3 presiding officer of the Commission on Jail Standards shall appoint  
4 members to the advisory committee created under Section 511.022,  
5 Government Code, as added by this Act.

6 (b) Notwithstanding Section 511.022(c), Government Code, as  
7 added by this Act, in making the initial appointments to the  
8 advisory committee, the presiding officer of the commission shall  
9 designate four members to serve terms expiring January 31, 2023,  
10 four members to serve terms expiring January 31, 2025, and three  
11 members to serve terms expiring January 31, 2027.

12 SECTION 5. The advisory committee created under Section  
13 511.022, Government Code, as added by this Act, shall submit its  
14 first report under Section 511.022(f), Government Code, as added by  
15 this Act, not later than December 1, 2022.

16 SECTION 6. Not later than January 1, 2022, the Texas  
17 Commission on Law Enforcement shall develop the training program  
18 required by Section 1701.269, Occupations Code, as added by this  
19 Act.

20 SECTION 7. This Act takes effect September 1, 2021.