

1-1 By: White, Spiller (Senate Sponsor - Miles) H.B. No. 2831  
1-2 (In the Senate - Received from the House May 12, 2021;  
1-3 May 14, 2021, read first time and referred to Committee on Criminal  
1-4 Justice; May 22, 2021, reported favorably by the following vote:  
1-5 Yeas 7, Nays 0; May 22, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Whitmire</u>	X		
1-9	<u>Huffman</u>	X		
1-10	<u>Bettencourt</u>	X		
1-11	<u>Birdwell</u>	X		
1-12	<u>Hinojosa</u>	X		
1-13	<u>Miles</u>	X		
1-14	<u>Nichols</u>	X		

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

1-17 relating to the confinement in county jail of persons with  
1-18 intellectual or developmental disabilities.

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

1-20 SECTION 1. Chapter 511, Government Code, is amended by  
1-21 adding Section 511.022 to read as follows:

1-22 Sec. 511.022. ADVISORY COMMITTEE. (a) The commission  
1-23 shall establish an advisory committee to advise the commission and  
1-24 make recommendations on matters related to the confinement in  
1-25 county jail of persons with intellectual or developmental  
1-26 disabilities.

1-27 (b) The advisory committee consists of 13 members appointed  
1-28 by the presiding officer of the commission, with the commission's  
1-29 approval, as follows:

1-30 (1) one representative of the commission;

1-31 (2) one representative of the Department of State  
1-32 Health Services;

1-33 (3) one representative of the Health and Human  
1-34 Services Commission with expertise in intellectual and  
1-35 developmental disabilities;

1-36 (4) one representative of the Texas Commission on Law  
1-37 Enforcement;

1-38 (5) one representative of the Texas Correctional  
1-39 Office on Offenders with Medical or Mental Impairments;

1-40 (6) one sheriff of a county with a population of 80,000  
1-41 or more;

1-42 (7) one sheriff of a county with a population of less  
1-43 than 80,000;

1-44 (8) two representatives of statewide organizations  
1-45 that advocate for individuals with intellectual and developmental  
1-46 disabilities;

1-47 (9) one representative who is a mental health  
1-48 professional with a focus on trauma and intellectual and  
1-49 developmental disabilities;

1-50 (10) one representative from a state supported living  
1-51 center;

1-52 (11) one member who has an intellectual or  
1-53 developmental disability or whose family member has an intellectual  
1-54 or developmental disability; and

1-55 (12) one member who represents the public.

1-56 (c) Members of the advisory committee serve staggered  
1-57 six-year terms, with the terms of three or four members expiring  
1-58 January 31 of each odd-numbered year. If a vacancy occurs during a  
1-59 member's term, the presiding officer of the commission, with the  
1-60 commission's approval, shall appoint a replacement to fill the  
1-61 unexpired term.

2-1 (d) The presiding officer of the commission shall designate  
2-2 one member of the advisory committee to serve as presiding officer  
2-3 of the committee for a two-year term.

2-4 (e) The advisory committee shall:

2-5 (1) gather and review data regarding the confinement  
2-6 in county jails of persons with intellectual or developmental  
2-7 disabilities; and

2-8 (2) provide recommendations and guidelines to  
2-9 sheriffs and counties regarding the confinement of persons with  
2-10 intellectual or developmental disabilities.

2-11 (f) Not later than December 1 of each even-numbered year,  
2-12 the advisory committee shall submit a report that includes  
2-13 recommendations for legislative or other action related to the  
2-14 confinement of persons with intellectual or developmental  
2-15 disabilities in county jails to:

2-16 (1) the governor;

2-17 (2) the lieutenant governor;

2-18 (3) the speaker of the house of representatives; and

2-19 (4) each standing committee of the legislature with  
2-20 primary jurisdiction over the commission.

2-21 (g) Chapter 2110 does not apply to the size, composition, or  
2-22 duration of the advisory committee or to the designation of the  
2-23 committee's presiding officer.

2-24 SECTION 2. Chapter 511, Government Code, is amended by  
2-25 adding Section 511.023 to read as follows:

2-26 Sec. 511.023. INTAKE OF PERSONS WITH INTELLECTUAL OR  
2-27 DEVELOPMENTAL DISABILITIES. (a) The commission, with the  
2-28 assistance of the advisory committee established under Section  
2-29 511.022, shall:

2-30 (1) monitor the intake processes in county jails to  
2-31 assess each county jail's ability to properly identify persons with  
2-32 intellectual or developmental disabilities; and

2-33 (2) assist county jails in improving the intake  
2-34 processes with respect to persons with intellectual or  
2-35 developmental disabilities.

2-36 (b) The commission shall periodically update the intake  
2-37 screening form adopted by the commission for use by county jails as  
2-38 necessary to reflect the recommendations of the advisory committee  
2-39 established under Section 511.022.

2-40 (c) Not later than December 1, 2022, the commission, with  
2-41 the assistance of the advisory committee established under Section  
2-42 511.022, shall prepare and submit a report to the governor, the  
2-43 lieutenant governor, the speaker of the house of representatives,  
2-44 each standing committee of the legislature with primary  
2-45 jurisdiction over the commission, and each sheriff that includes:

2-46 (1) a discussion of any deficiencies in the intake  
2-47 processes that have been identified by the commission; and

2-48 (2) recommendations to improve county jail practices  
2-49 regarding identifying persons with intellectual or developmental  
2-50 disabilities.

2-51 (d) This subsection and Subsection (c) expire January 1,  
2-52 2023.

2-53 SECTION 3. Subchapter F, Chapter 1701, Occupations Code, is  
2-54 amended by adding Section 1701.269 to read as follows:

2-55 Sec. 1701.269. TRAINING PROGRAM RELATING TO COUNTY JAILER  
2-56 INTERACTIONS WITH PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL  
2-57 DISABILITIES. (a) The commission and the Commission on Jail  
2-58 Standards shall jointly develop, with the assistance of the  
2-59 advisory committee established under Section 511.022, Government  
2-60 Code, a training program for county jailers that consists of at  
2-61 least four hours of education and training on interacting with a  
2-62 person with an intellectual or developmental disability who is  
2-63 confined in a county jail, including techniques to assess a person  
2-64 for an intellectual or developmental disability.

2-65 (b) A county jailer who completes the training program may  
2-66 count the hours toward the jailer's continuing education  
2-67 requirements under this chapter.

2-68 SECTION 4. (a) Not later than January 1, 2022, the  
2-69 presiding officer of the Commission on Jail Standards shall appoint

3-1 members to the advisory committee created under Section 511.022,  
3-2 Government Code, as added by this Act.

3-3 (b) Notwithstanding Section 511.022(c), Government Code, as  
3-4 added by this Act, in making the initial appointments to the  
3-5 advisory committee, the presiding officer of the commission shall  
3-6 designate four members to serve terms expiring January 31, 2023,  
3-7 four members to serve terms expiring January 31, 2025, and five  
3-8 members to serve terms expiring January 31, 2027.

3-9 SECTION 5. The advisory committee created under Section  
3-10 511.022, Government Code, as added by this Act, shall submit its  
3-11 first report under Section 511.022(f), Government Code, as added by  
3-12 this Act, not later than December 1, 2022.

3-13 SECTION 6. Not later than January 1, 2022, the Texas  
3-14 Commission on Law Enforcement shall develop the training program  
3-15 required by Section 1701.269, Occupations Code, as added by this  
3-16 Act.

3-17 SECTION 7. This Act takes effect September 1, 2021.

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