

By: Moody

H.B. No. 3714

A BILL TO BE ENTITLED

AN ACT

relating to the confinement of inmates who identify as transgender.

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

SECTION 1. Chapter 493, Government Code, is amended by adding Section 493.034 to read as follows:

Sec. 493.034. POLICY AND TRAINING RELATED TO INMATES WHO IDENTIFY AS TRANSGENDER. (a) The department shall adopt a policy regarding the confinement of inmates who identify as transgender. The policy must:

(1) ensure that a transgender inmate's privacy is respected while confined, including with respect to:

(A) the inmate's use of bathroom and shower facilities;

(B) conducting invasive searches of the inmate;  
and

(C) the inmate's clothing and personal items; and

(2) provide a process for transgender inmates to report harassment.

(b) The department shall provide training to each correctional officer employed by the department regarding transgender inmates and gender identity and the policy adopted under Subsection (a).

SECTION 2. Subchapter A, Chapter 501, Government Code, is amended by adding Section 501.028 to read as follows:

1       Sec. 501.028. INFORMATION CONCERNING INMATES WHO IDENTIFY  
2 AS TRANSGENDER. (a) The department, during the diagnostic  
3 process, shall record information relating to whether an inmate  
4 identifies as transgender.

5       (b) The department shall maintain information obtained  
6 under this section separate from the inmate's file and the  
7 information may only be accessed by department employees when  
8 necessary.

9       SECTION 3. Subchapter D, Chapter 501, Government Code, is  
10 amended by adding Section 501.115 to read as follows:

11       Sec. 501.115. HOUSING OF INMATES WHO IDENTIFY AS  
12 TRANSGENDER. The department shall house an inmate who identifies  
13 as transgender in a facility, dormitory, or cellblock that houses  
14 inmates of the gender with which the inmate identifies.

15       SECTION 4. As soon as practicable after the effective date  
16 of this Act, the Texas Department of Criminal Justice shall adopt  
17 the policy and training required by Section 493.034, Government  
18 Code, as added by this Act.

19       SECTION 5. This Act takes effect September 1, 2021.