

By: Cortez

H.B. No. 1446

A BILL TO BE ENTITLED

AN ACT

relating to procedures governing declared disasters for the Texas Department of Criminal Justice.

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

SECTION 1. Subtitle G, Title 4, Government Code, is amended by adding Chapter 509A to read as follows:

CHAPTER 509A. PROCEDURES FOR DECLARED DISASTERS

Sec. 509A.001. DEFINITION. In this chapter, "declared disaster" means a disaster declared by:

(1) the governor under Chapter 418; or

(2) the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.), if any part of this state is named in the federally declared disaster area.

Sec. 509A.002. ADVISORY BOARD. (a) An advisory board is established to provide the department with recommendations for the emergency response plan developed under Section 509A.003 and to update those recommendations annually.

(b) The advisory board is composed of:

(1) the executive director or the executive director's designee;

(2) the commissioner of public health of the Department of State Health Services or the commissioner's designee;

and

1 (3) the following members appointed by the governor:

2 (A) at least two members, each of whom is a
3 correctional officer employed by the department at the level of
4 sergeant or lower and is a member of an employee organization the
5 majority of the membership of which consists of department
6 employees;

7 (B) at least two members, each of whom has
8 previously been incarcerated;

9 (C) two members, each of whom is a family member
10 of an inmate;

11 (D) one member who has a background in emergency
12 planning and has previously created an emergency management program
13 for accreditation purposes; and

14 (E) one member with a background in public health
15 who is capable of ascertaining vulnerabilities to emerging diseases
16 or infections that could affect the department's operations.

17 (c) In developing and updating the recommendations required
18 by this section:

19 (1) the advisory board shall consider all strategies
20 to plan for emergency situations, including plans to prevent
21 interruptions to the provision of educational and rehabilitative
22 programming to inmates;

23 (2) the advisory board may access any facility
24 operated by or under contract with the department; and

25 (3) the department shall provide the advisory board
26 with access to all relevant information necessary to make the
27 recommendations.

1 (c-1) Not later than March 1, 2024, the advisory board shall
2 develop the initial recommendations required by this section and
3 submit those recommendations to the department. This subsection
4 expires September 1, 2024.

5 (d) Not later than March 1 of each year, the advisory board
6 shall update the recommendations developed under this section and
7 submit those recommendations to the department.

8 (e) If the department's response to a declared disaster is
9 inconsistent with the recommendations submitted under this
10 section, the advisory board may obtain any relevant data and
11 reports and may conduct interviews with inmates and other relevant
12 persons to identify any consequences of the department's response.

13 (f) Chapter 2110 does not apply to the composition or
14 duration of the advisory board.

15 Sec. 509A.003. EMERGENCY RESPONSE PLAN. (a) The
16 department shall develop an emergency response plan to be
17 implemented when responding to a declared disaster.

18 (b) The emergency response plan must specify the operating
19 procedures that will be implemented by a correctional facility
20 during a declared disaster, including:

21 (1) evacuation procedures for inmates and employees of
22 the facility;

23 (2) guidelines for employees of the facility to ensure
24 their safety and well-being; and

25 (3) provisions to:

26 (A) prevent or minimize extended lockdowns or
27 periods of inmate segregation in a correctional facility;

1 (B) ensure that an inmate may continue to
2 participate, during any extended period of a declared disaster, in
3 any classes or programs that the Board of Pardons and Paroles has
4 required the inmate to complete before being released on parole;

5 (C) ensure that inmates have commissary access at
6 regular intervals during any extended period of a declared
7 disaster;

8 (D) ensure that the department and each
9 correctional facility have sufficient quantities of personal
10 protective equipment for employees and inmates;

11 (E) ensure that an inmate is not denied access to
12 medical care, medication, or personal hygiene items; and

13 (F) prohibit a correctional facility from
14 suspending in-person inmate visitation during any extended period
15 of a declared disaster, provided that a correctional facility may
16 temporarily institute video visitation for the health and safety of
17 inmates and staff.

18 SECTION 2. The Texas Department of Criminal Justice shall
19 develop the emergency response plan required by Section 509A.003,
20 Government Code, as added by this Act, not later than the 180th day
21 after the date the advisory board submits recommendations to the
22 department as required by Section 509A.002(c-1), Government Code,
23 as added by this Act.

24 SECTION 3. This Act takes effect September 1, 2023.