

By: Bowers, Allen, Rose, et al.

H.B. No. 2044

A BILL TO BE ENTITLED

AN ACT

relating to depression screenings for certain women in county jail or in the custody of the Texas Department of Criminal Justice.

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

SECTION 1. Subchapter B, Chapter 501, Government Code, is amended by adding Section 501.0655 to read as follows:

Sec. 501.0655. DEPRESSION SCREENING FOR PREGNANT INMATE.

The department shall ensure that each inmate who is pregnant or has given birth in the preceding year is screened for depression:

(1) once each trimester during the pregnancy;

(2) once during the six-week period after giving birth; and

(3) at 6 and 12 months after giving birth.

SECTION 2. Section 511.009(a), Government Code, is amended to read as follows:

(a) The commission shall:

(1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;

(2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;

(3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for

1 programs and services to meet the needs of prisoners;

2 (4) adopt reasonable rules and procedures  
3 establishing minimum requirements for programs of rehabilitation,  
4 education, and recreation in county jails;

5 (5) regularly review the commission's rules and  
6 procedures and revise, amend, or change the rules and procedures if  
7 necessary;

8 (6) provide to local government officials  
9 consultation on and technical assistance for county jails;

10 (7) review and comment on plans for the construction  
11 and major modification or renovation of county jails;

12 (8) require that the sheriff and commissioners of each  
13 county submit to the commission, on a form prescribed by the  
14 commission, an annual report on the conditions in each county jail  
15 within their jurisdiction, including all information necessary to  
16 determine compliance with state law, commission orders, and the  
17 rules adopted under this chapter;

18 (9) review the reports submitted under Subdivision (8)  
19 and require commission employees to inspect county jails regularly  
20 to ensure compliance with state law, commission orders, and rules  
21 and procedures adopted under this chapter;

22 (10) adopt a classification system to assist sheriffs  
23 and judges in determining which defendants are low-risk and  
24 consequently suitable participants in a county jail work release  
25 program under Article [42.034](#), Code of Criminal Procedure;

26 (11) adopt rules relating to requirements for  
27 segregation of classes of inmates and to capacities for county

1 jails;

2 (12) adopt a policy for gathering and distributing to  
3 jails under the commission's jurisdiction information regarding:

4 (A) common issues concerning jail  
5 administration;

6 (B) examples of successful strategies for  
7 maintaining compliance with state law and the rules, standards, and  
8 procedures of the commission; and

9 (C) solutions to operational challenges for  
10 jails;

11 (13) report to the Texas Correctional Office on  
12 Offenders with Medical or Mental Impairments on a jail's compliance  
13 with Article 16.22, Code of Criminal Procedure;

14 (14) adopt reasonable rules and procedures  
15 establishing minimum requirements for a county jail to:

16 (A) determine if a prisoner is pregnant;

17 (B) ensure that the jail's health services plan  
18 addresses:

19 (i) medical care, including obstetrical and  
20 gynecological care;

21 (ii) [7] mental health care, including a  
22 requirement that each prisoner who is pregnant or has given birth in  
23 the preceding year be screened for depression:

24 (a) once each trimester during the  
25 pregnancy;

26 (b) once during the six-week period  
27 after giving birth; and

1                                    (c) at 6 and 12 months after giving  
2 birth;

3                                    (iii) nutritional requirements; [7] and  
4                                    (iv) any special housing or work assignment  
5 needs for prisoners who are known or determined to be pregnant; and

6                                    (C) identify when a pregnant prisoner is in labor  
7 and provide appropriate care to the prisoner, including promptly  
8 transporting the prisoner to a local hospital;

9                                    (15) provide guidelines to sheriffs regarding  
10 contracts between a sheriff and another entity for the provision of  
11 food services to or the operation of a commissary in a jail under  
12 the commission's jurisdiction, including specific provisions  
13 regarding conflicts of interest and avoiding the appearance of  
14 impropriety;

15                                    (16) adopt reasonable rules and procedures  
16 establishing minimum standards for prisoner visitation that  
17 provide each prisoner at a county jail with a minimum of two  
18 in-person, noncontact visitation periods per week of at least 20  
19 minutes duration each;

20                                    (17) require the sheriff of each county to:

21                                    (A) investigate and verify the veteran status of  
22 each prisoner by using data made available from the Veterans  
23 Reentry Search Service (VRSS) operated by the United States  
24 Department of Veterans Affairs or a similar service; and

25                                    (B) use the data described by Paragraph (A) to  
26 assist prisoners who are veterans in applying for federal benefits  
27 or compensation for which the prisoners may be eligible under a

1 program administered by the United States Department of Veterans  
2 Affairs;

3 (18) adopt reasonable rules and procedures regarding  
4 visitation of a prisoner at a county jail by a guardian, as defined  
5 by Section 1002.012, Estates Code, that:

6 (A) allow visitation by a guardian to the same  
7 extent as the prisoner's next of kin, including placing the  
8 guardian on the prisoner's approved visitors list on the guardian's  
9 request and providing the guardian access to the prisoner during a  
10 facility's standard visitation hours if the prisoner is otherwise  
11 eligible to receive visitors; and

12 (B) require the guardian to provide the sheriff  
13 with letters of guardianship issued as provided by Section  
14 1106.001, Estates Code, before being allowed to visit the prisoner;

15 (19) adopt reasonable rules and procedures to ensure  
16 the safety of prisoners, including rules and procedures that  
17 require a county jail to:

18 (A) give prisoners the ability to access a mental  
19 health professional at the jail or through a telemental health  
20 service 24 hours a day or, if a mental health professional is not at  
21 the county jail at the time, then require the jail to use all  
22 reasonable efforts to arrange for the inmate to have access to a  
23 mental health professional within a reasonable time;

24 (B) give prisoners the ability to access a health  
25 professional at the jail or through a telehealth service 24 hours a  
26 day or, if a health professional is unavailable at the jail or  
27 through a telehealth service, provide for a prisoner to be

1 transported to access a health professional; and

2 (C) if funding is available under Section  
3 511.019, install automated electronic sensors or cameras to ensure  
4 accurate and timely in-person checks of cells or groups of cells  
5 confining at-risk individuals; and

6 (20) adopt reasonable rules and procedures  
7 establishing minimum standards for the quantity and quality of  
8 feminine hygiene products, including tampons in regular and large  
9 sizes and menstrual pads with wings in regular and large sizes,  
10 provided to a female prisoner.

11 SECTION 3. Not later than December 1, 2023, the Commission  
12 on Jail Standards shall adopt the rules and procedures required by  
13 Section 511.009(a), Government Code, as amended by this Act.

14 SECTION 4. This Act takes effect September 1, 2023.