

By: Howard, Rose, Guillen, et al.

H.B. No. 4020

A BILL TO BE ENTITLED

AN ACT

1
2 relating to allowing certain inmates to apply for benefits under
3 certain public benefits programs to be provided at the time of
4 discharge or release.

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

6 SECTION 1. Subchapter A, Chapter 501, Government Code, is
7 amended by adding Section 501.0167 to read as follows:

8 Sec. 501.0167. NOTICE TO HEALTH AND HUMAN SERVICES
9 COMMISSION REGARDING PUBLIC BENEFITS PROGRAMS. (a) At least 45
10 days but not more than 60 days before an inmate is discharged or
11 released on parole, mandatory supervision, or conditional pardon,
12 the department shall notify the Health and Human Services
13 Commission of the inmate's upcoming discharge or release for
14 purposes of applying for public benefits programs as provided by
15 Section 531.0241805.

16 (b) The notice provided under Subsection (a) must include
17 the date that the inmate will be discharged or released.

18 (c) The department shall coordinate with the Health and
19 Human Services Commission to determine:

20 (1) the method to be used by the department to provide
21 the notice required under Subsection (a); and

22 (2) the time, place, and manner for providing
23 application assistance and conducting an eligibility interview, as
24 applicable.

1 SECTION 2. Subchapter B, Chapter 531, Government Code, is
2 amended by adding Section 531.0241805 to read as follows:

3 Sec. 531.0241805. PUBLIC BENEFITS PROGRAMS APPLICATION
4 PROCEDURE FOR CERTAIN INMATES NEARING ELIGIBILITY FOR DISCHARGE OR
5 RELEASE; TIMING OF BENEFITS. (a) In this section, "public benefits
6 program" includes:

7 (1) Medicaid;

8 (2) the child health plan program;

9 (3) the Healthy Texas Women program operated by the
10 commission that is substantially similar to the demonstration
11 project operated under former Section 32.0248, Human Resources
12 Code, and that is intended to expand access to preventive health and
13 family planning services for women in this state;

14 (4) the family planning program operated by the
15 commission that provides health care and core family planning
16 services to individuals in this state;

17 (5) the financial assistance program established
18 under Chapter 31, Human Resources Code;

19 (6) the supplemental nutrition assistance program as
20 defined by Section 33.0005, Human Resources Code; and

21 (7) the federal special supplemental nutrition
22 program for women, infants, and children authorized by 42 U.S.C.
23 Section 1786.

24 (b) Subject to Section 531.114(e), Section 33.018, Human
25 Resources Code, and similar law the commission, in cooperation with
26 the Texas Department of Criminal Justice, shall establish a
27 procedure to accept and process an application for public benefits

1 programs submitted by inmates who are confined in a facility
2 operated by or under contract with the Texas Department of Criminal
3 Justice for purposes of providing benefits under a public benefits
4 program to the inmates at the time of discharge or release.

5 (c) The commission shall as soon as practicable but not
6 later than the 30th day after the commission receives:

7 (1) a notice from the Texas Department of Criminal
8 Justice under Section 501.0167 of the upcoming discharge or release
9 of an inmate:

10 (A) assist the inmate in filling out forms and
11 completing the application process; and

12 (B) subject to Subsection (e) and if required by
13 the law governing the applicable public benefits program,
14 coordinate with the Texas Department of Criminal Justice to conduct
15 an initial interview or other personal appearance; and

16 (2) a completed application for a public benefits
17 program for an inmate, make a determination regarding the inmate's
18 eligibility for benefits at the time of discharge or release.

19 (d) If the commission determines that an inmate is eligible
20 for benefits under a public benefits program, the commission shall
21 begin providing benefits to the inmate at the time of discharge or
22 release.

23 (e) Notwithstanding any other state law and to the extent
24 permitted by federal law, the commission shall allow an inmate
25 required to conduct an interview or otherwise personally appear to
26 establish eligibility for a public benefits program to conduct the
27 interview or appearance using telecommunications or information

1 technology.

2 (f) The executive commissioner, in consultation with the
3 Texas Department of Criminal Justice, shall adopt rules to
4 implement this section.

5 SECTION 3. If before implementing any provision of this Act
6 a state agency determines that a waiver or authorization from a
7 federal agency is necessary for implementation of that provision,
8 the agency affected by the provision shall request the waiver or
9 authorization and may delay implementing that provision until the
10 waiver or authorization is granted.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2023.