

## **BILL ANALYSIS**

C.S.H.B. 31  
By: Hodge  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Rider 48, Department of Criminal Justice, 77th Legislature General Appropriations Act states that the Texas Department of Criminal Justice (TDCJ) shall not provide in-cell tutoring for inmates who are in administrative segregation (ad seg). Offenders housed in ad seg are often there due to gang affiliation and can be discharged back into the community directly from ad seg. TDCJ recently applied for and received a *federal* grant to develop an in-cell pre-release program for select adult offenders housed in ad seg. C.S.H.B. 31 permits TDCJ to establish a policy to provide in-cell education for ad seg offenders if the offender would benefit from the education and if the education can be provided without posing a threat to staff or an inmate.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B 31 amends Subchapter A, Chapter 501, Government Code by adding a section to permit the department to establish a policy to provide in-cell education to an inmate confined in administrative segregation if the inmate would benefit from the education, and if the education can be provided in a way that does not pose a threat to the health or safety of a department staff member or other inmate.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 31 makes the language in the original bill permissive by replacing the word "shall" with "may." The substitute removes the provision in the original that required the Texas Department of Criminal Justice to establish the policy required by Section 501.020 not later than December 1, 2003.