

## **BILL ANALYSIS**

H.B. 1944  
By: Coleman  
Corrections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Sexual assault in Texas prisons is a problem that affects prisoners of all ages. Currently, a shortage of correctional staff at the Texas Department of Criminal Justice (TDCJ) has led to ineffective prevention, reporting and investigation of sexual assault allegations. Additionally, many prison staff are not adequately trained to prevent, report, or treat victims of sexual assault and this problem leads to increased cases of HIV and increases the overall cost of health care. Victims of prison rape suffer severe physical and psychological effects that impede their ability to reintegrate into their communities and maintain stable employment.

House Bill 1944 creates a position of Ombudsperson in the Office of the Inspector General to coordinate TDCJ's efforts to eliminate the occurrence of sexual assault in correctional facilities.

### **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**

House Bill 1944 requires the Texas Board of Criminal Justice, not later than December 1, 2008, to appoint an ombudsperson based in the Office of Inspector General to coordinate the efforts of the Texas Department of Criminal Justice (TDCJ) to eliminate the occurrence of sexual assault in correctional facilities.

The bill provides that the ombudsperson shall: (1) monitor TDCJ policies for the prevention of sexual assault in correctional facilities; (2) initiate and oversee appropriate criminal and civil investigations on notification of an inmate complaint of sexual assault; (3) ensure the impartial resolution of inmate complaints of sexual assault; and (4) collect statistics regarding all allegations of sexual assault from each correctional facility in accordance with the standards established by the National Prison Rape Elimination Commission.

This bill provides that the ombudsperson may collect evidence and interview inmates or employees at correctional facilities in conducting an investigation of an inmate complaint of sexual assault under Section 501.173 of the Government Code. The bill also prohibits the ombudsperson from requiring an inmate who reports a sexual assault to assist in the investigation or prosecution of the offense.

HB 1944 requires TDCJ to adopt a policy, not later than December 1, 2008, providing for:

- (1) a designated administrator at each correctional facility to post information throughout the facility describing how an inmate may confidentially contact the ombudsperson regarding a sexual assault;
- (2) an inmate to write a confidential letter to the ombudsperson regarding a sexual assault;
- (3) employees at correctional facilities, on notification of the occurrence of a sexual assault, to immediately contact the office of the inspector general and ensure that the alleged victim is safe;
- (4) the office of the inspector general, at the time the office is notified of the sexual assault to transport an alleged victim to the nearest emergency room for medical treatment and evidence collection;

- (5) a qualified employee at each correctional facility to conduct a medical forensic exam of an alleged victim of sexual assault in accordance with Article 56.06, Code of Criminal Procedure;
- (6) a reasonable deadline for an inmate to initiate a grievance proceeding under Section 501.008 based on an alleged sexual assault; and
- (7) each correctional facility to collect statistics on all alleged sexual assaults against inmates confined in the facility and to report the statistics to the ombudsperson.

#### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.