

By: Coleman

H.B. No. 1944

A BILL TO BE ENTITLED

AN ACT

relating to the elimination of sexual assault against inmates confined in a facility operated by or under contract with the Texas Department of Criminal Justice.

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

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

SUBCHAPTER F. ELIMINATION OF SEXUAL ASSAULT AGAINST INMATES

Sec. 501.171. DEFINITIONS. In this subchapter:

(1) "Correctional facility" means a facility operated by or under contract with the department.

(2) "Inmate" means an inmate or state jail defendant confined in a facility operated by or under contract with the department.

Sec. 501.172. APPOINTMENT OF OMBUDSPERSON. The board shall appoint an ombudsperson to coordinate the department's efforts to eliminate the occurrence of sexual assault in correctional facilities. The ombudsperson is based in the office of the inspector general.

Sec. 501.173. POWERS AND DUTIES OF OMBUDSPERSON. (a) The ombudsperson shall:

(1) monitor department policies for the prevention of sexual assault in correctional facilities;

(2) initiate and oversee appropriate criminal and

1 civil investigations on notification of an inmate complaint of
2 sexual assault;

3 (3) ensure the impartial resolution of inmate
4 complaints of sexual assault; and

5 (4) collect statistics regarding all allegations of
6 sexual assault from each correctional facility in accordance with
7 the standards established by the National Prison Rape Elimination
8 Commission.

9 (b) The ombudsperson may collect evidence at correctional
10 facilities and interview inmates or employees at correctional
11 facilities in conducting an investigation of an inmate complaint of
12 sexual assault under this section.

13 (c) The ombudsperson may not require an inmate who reports a
14 sexual assault to assist in the investigation or prosecution of the
15 offense.

16 Sec. 501.174. DEPARTMENT TO ADOPT POLICY. The department
17 shall adopt a policy providing for:

18 (1) a designated administrator at each correctional
19 facility to post information throughout the facility describing how
20 an inmate may confidentially contact the ombudsperson regarding a
21 sexual assault;

22 (2) an inmate to write a confidential letter to the
23 ombudsperson regarding a sexual assault;

24 (3) employees at correctional facilities, on
25 notification of the occurrence of a sexual assault, to immediately:

26 (A) contact the office of the inspector general;

27 and

1 (B) ensure that the alleged victim is safe;

2 (4) the office of the inspector general, at the time
3 the office is notified of the sexual assault, to transport an
4 alleged victim to the nearest emergency room for medical treatment
5 and evidence collection;

6 (5) a qualified employee at each correctional facility
7 to conduct a medical forensic exam of an alleged victim of sexual
8 assault in accordance with Article 56.06, Code of Criminal
9 Procedure;

10 (6) a reasonable deadline for an inmate to initiate a
11 grievance proceeding under Section 501.008 based on an alleged
12 sexual assault; and

13 (7) each correctional facility to collect statistics
14 on all alleged sexual assaults against inmates confined in the
15 facility and to report the statistics to the ombudsperson.

16 SECTION 2. Not later than December 1, 2008, the Texas
17 Department of Criminal Justice shall appoint an ombudsperson and
18 adopt a policy as required by Subchapter F, Chapter 501, Government
19 Code, as added by this Act.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2007.