

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 27, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB1175** by Ellis (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. ),  
**Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure by adding that the Texas Department of Criminal Justice (TDCJ) inspector general is not prohibited from disclosing a victim's identifying information to the department's ombudsperson, if the victim is an inmate or state jail defendant confined in a facility operated by or under contract with TDCJ. The bill would amend the Government Code by having TDCJ appoint an ombudsperson, who shall report to the Board, to coordinate TDCJ's efforts to eliminate the occurrence of sexual assault in correctional facilities. The bill further provides for the duties and responsibilities of the ombudsperson, including that TDCJ shall adopt policies to administer the program in each facility. Policies shall specifically address inmate confidentiality, safety, medical treatment, a grievance system, and evidence collection. The bill provides for the inspector general's office to arrange for a medical examination of the alleged victim to be conducted, or a qualified employee at the correctional facility to conduct the medical examination. The bill provisions include that the ombudsperson shall make available to the public certain information, including that not later than January 1 of each year, submit an annual report to legislative leadership. The bill lists criteria to be summarized and included in the report. Also, the State Auditor may conduct an audit, investigation, or other review of the operation of the ombudsperson or the office of inspector general and have access to relative records and data.

The Texas Department of Criminal Justice does not anticipate a significant cost to implement the bill.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** JOB, ES, GG, SDO