

BILL ANALYSIS

C.S.S.B. 1009
Deuell (Harper-Brown)
County Affairs
Committee Report (substituted)

BACKGROUND AND PURPOSE

The Texas Commission on Jail Standards was created in 1975 by the 64th Legislature to develop and enforce minimum standards for county jails and other facilities housing county or out-of-state inmates. The Commission's core mission includes regulating and supporting the management of county jails by developing jail standards, inspecting jails, investigating complaints, and reviewing and approving jail construction and operational plans.

The Texas Commission on Jail Standards is subject to the Sunset Act and will be abolished on September 1, 2009, unless continued by the Legislature. As a result of its review of the Commission on Jail Standards, the Sunset Advisory Commission recommended continuation of the agency and several statutory modifications to improve the agency's operations and better meet the needs of counties and the public.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Jail Standards in SECTION 6 and SECTION 9 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1: Amends Government Code, Section 511.003, to update the Commission's Sunset review date to 2021 to provide for the standard 12-year review.

SECTION 2: Amends Government Code, Section 511.004(g), to update standard Sunset language regarding eligibility of persons to serve as public members of the Commission.

Amends Government Code, Sections 511.004(h), (i), and (j), to update standard Sunset language requiring members of the Commission to complete training before assuming their duties.

SECTION 3: Amends Government Code, Section 511.0041(a), to update standard Sunset language specifying the grounds for removing a Commission member.

SECTION 4: Amends Government Code, Section 511.0042, to update standard Sunset language prohibiting a person from serving as a Commission member or high-level agency employee if the person, or the person's spouse, is an officer, employee, or paid consultant of a Texas trade association in the field of county corrections.

SECTION 5: Adds Government Code, Section 511.0061, to add standard Sunset language requiring the Commission to make effective use of technology in its delivery of services and provision of information to the public.

SECTION 6: Amends Government Code, 511.0071 (a), (d), (e), and (f), and adds Subsection (a-1), to require the Commission to develop procedures for complaints regarding the Commission and jails under its jurisdiction, track and analyze complaints, and provide better information about how to file a complaint. Requires the Commission to adopt rules relating to complaints procedures. Modifies standard Sunset language requiring the Commission to maintain information on all complaints and notify the parties about policies for and status of complaints.

SECTION 7: Amends Government Code, Section 511.008(e), to update standard Sunset language requiring the Commission to separate its policymaking duties from the agency's management functions.

SECTION 8: Adds Government Code, Section 511.0085, to require the Commission to develop a comprehensive set of risk factors, including a specific list of risk factors. Requires the Commission to use the risk factors to guide the inspections process for all jails under the Commission's jurisdiction by establishing a risk-assessment plan and regularly monitoring the overall risk level of jails.

Requires that the Commission consider, as one of the risk factors, a jail's compliance with the Commission's rules, standards developed by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI), and requirements in the Code of Criminal Procedure regarding screening and assessment protocols for the early identification of and reports concerning persons with mental illness.

SECTION 9: Amends Government Code, Section 511.009(a), to require the Commission to use the risk-assessment plan required by Section 511.0085 to guide the process of scheduling jail inspections.

Requires the Commission to adopt a policy for collecting and distributing best practices and other useful information about jail operations to jails under the Commission's jurisdiction.

Requires the Commission to report to TCOOMMI on a jail's compliance with the mental illness screening, assessment, and reporting protocol requirements in the Code of Criminal Procedure.

Requires the Commission to adopt reasonable rules and procedures establishing minimum requirements for jails to determine if a prisoner is pregnant and to ensure that jail health services plans address the medical, mental health, nutritional, housing, and work assignment needs of inmates known or determined to be pregnant.

SECTION 10: Amends Government Code, Section 511.0101(a) to require county jails to report to the Commission each month the total number of prisoners who were known or had been determined to be pregnant during the preceding month.

SECTION 11: Adds Government Code, Section 511.0115, to require the Commission to make enforcement information about the compliance status of jails more accessible to the public, including on the Commission's website.

SECTION 12: Adds Government Code, Section 511.018, to add standard Sunset language requiring the Commission to develop a policy that encourages the use of negotiated rulemaking and alternative dispute resolution.

SECTION 13: Repeals outdated standard Sunset language in Government Code 511.0071(c) relating to notification of complaint procedures.

SECTION 14: Specifies that the changes to Government Code, Section 511.004(h), relating to Commission member training, apply only to members of the Commission appointed or reappointed on or after the effective date of the bill, September 1, 2009.

SECTION 15: Specifies that the changes relating to the prohibitions or qualifications applying to Commission members apply only to members of the Commission appointed on or after the effective date of the bill, September 1, 2009.

The bill repeals the following statutory provision.

- Government Code, Section 511.0071(c)

EFFECTIVE DATE

September 1, 2009

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute requires that the Commission consider, in addition to the risk factors recommended by the Sunset Commission, a jail's compliance with the Commission's rules, standards developed by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI), and requirements in the Code of Criminal Procedure regarding screening and assessment protocols for the early identification of and reports concerning persons with mental illness. The original version of the bill did not contain any similar provision.

The substitute requires the Commission to report to TCOOMMI on a jail's compliance with the mental illness screening, assessment, and reporting protocol requirements in the Code of Criminal Procedure. The original version of the bill did not contain any similar provision.

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