

By: Turner of Harris

H.B. No. 3123

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the provision of case management services to inmates  
3 with certain illnesses.

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

5 SECTION 1. Sections 501.054(b), (e), and (f), Government  
6 Code, are amended to read as follows:

7 (b) The department, in consultation with the [~~Texas~~]  
8 Department of State Health Services, shall establish education  
9 programs to educate inmates and employees of the department about  
10 AIDS and HIV. In establishing the programs for inmates, the  
11 department shall design a program that deals with issues related to  
12 AIDS and HIV that are relevant to inmates while confined and a  
13 program that deals with issues related to AIDS and HIV that will be  
14 relevant to inmates after the inmates are released. The department  
15 shall coordinate the program that deals with issues that will be  
16 relevant to inmates after release with the case management services  
17 provided under Section 501.0541. The department shall design the  
18 programs to take into account relevant cultural and other  
19 differences among inmates. The department shall require each  
20 inmate in a facility operated by the department, including inmates  
21 with AIDS or HIV, to participate in education programs established  
22 under this subsection.

23 (e) The department, in consultation with the [~~Texas~~]  
24 Department of State Health Services, shall periodically revise

1 education programs established under this section so that the  
2 programs reflect the latest medical information available on AIDS  
3 and HIV.

4 (f) The department shall adopt a policy for handling persons  
5 with AIDS or HIV infection who are in the custody of the department  
6 or under the department's supervision. The policy must be  
7 substantially similar to a model policy developed by the [~~Texas~~]  
8 Department of State Health Services under Subchapter G, Chapter 85,  
9 Health and Safety Code.

10 SECTION 2. Subchapter B, Chapter 501, Government Code, is  
11 amended by adding Section 501.0541 to read as follows:

12 Sec. 501.0541. CASE MANAGEMENT SERVICES FOR INMATES WITH  
13 CERTAIN ILLNESSES. (a) In this section, "case management  
14 services" include:

15 (1) counseling regarding the availability in the  
16 geographic area in which an inmate with AIDS or HIV, hepatitis C, or  
17 tuberculosis intends to reside, after release or discharge from the  
18 department, of any appropriate:

19 (A) health care services, including medical  
20 and dental care services, respiratory and physical therapy  
21 services, and mobile emergency medical services;

22 (B) housing, employment, and job placement  
23 assistance; and

24 (C) advocacy and support groups;

25 (2) information on measures that an individual  
26 can take to prevent the transmission of AIDS or HIV, hepatitis C, or  
27 tuberculosis; and

1           (3) other services the department determines are  
2 necessary for an inmate with AIDS or HIV, hepatitis C, or  
3 tuberculosis to have in order to reenter the community  
4 successfully.

5           (b) The department shall:

6           (1) identify inmates with AIDS or HIV, hepatitis C, or  
7 tuberculosis who are within 90 days of any applicable release or  
8 discharge date, including a presumptive parole date, date of  
9 release to mandatory supervision, or date of discharge;

10           (2) ensure that each inmate identified by the  
11 department under Subdivision (1) receives appropriate case  
12 management services before the inmate is released or discharged  
13 from the department;

14           (3) if applicable, notify the parole officer  
15 supervising an inmate identified by the department under  
16 Subdivision (1) of the inmate's continuing need for case management  
17 services;

18           (4) coordinate the services provided to an inmate  
19 under this section with the services provided under Section 89.102  
20 or 614.015, Health and Safety Code; and

21           (5) protect the confidentiality of the inmates  
22 identified by the department under Subdivision (1).

23           SECTION 3. Subchapter D, Chapter 508, Government Code, is  
24 amended by adding Section 508.120 to read as follows:

25           Sec. 508.120. CONTINUATION OF CERTAIN CASE MANAGEMENT  
26 SERVICES. A parole officer who is notified by the department under  
27 Section 501.0541 that an inmate supervised by the officer has a

1 continuing need for appropriate case management services shall  
2 ensure that those services are provided to the inmate during the  
3 period of supervision.

4 SECTION 4. The Texas Department of Criminal Justice shall  
5 establish and begin implementation of the policies and procedures  
6 required by Section 501.0541, Government Code, as added by this  
7 Act, not later than March 1, 2010.

8 SECTION 5. This Act takes effect September 1, 2009.