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H.B. No. 3654

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain duties of and reports submitted to the
3 Commission on Jail Standards regarding county jail inmates who are
4 pregnant.

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

6 SECTION 1. Section 511.009(a), Government Code, is amended
7 to read as follows:

8 (a) The commission shall:

9 (1) adopt reasonable rules and procedures
10 establishing minimum standards for the construction, equipment,
11 maintenance, and operation of county jails;

12 (2) adopt reasonable rules and procedures
13 establishing minimum standards for the custody, care, and treatment
14 of prisoners;

15 (3) adopt reasonable rules establishing minimum
16 standards for the number of jail supervisory personnel and for
17 programs and services to meet the needs of prisoners;

18 (4) adopt reasonable rules and procedures
19 establishing minimum requirements for programs of rehabilitation,
20 education, and recreation in county jails;

21 (5) revise, amend, or change rules and procedures if
22 necessary;

23 (6) provide to local government officials
24 consultation on and technical assistance for county jails;

1 (7) review and comment on plans for the construction
2 and major modification or renovation of county jails;

3 (8) require that the sheriff and commissioners of each
4 county submit to the commission, on a form prescribed by the
5 commission, an annual report on the conditions in each county jail
6 within their jurisdiction, including all information necessary to
7 determine compliance with state law, commission orders, and the
8 rules adopted under this chapter;

9 (9) review the reports submitted under Subdivision (8)
10 and require commission employees to inspect county jails regularly
11 to ensure compliance with state law, commission orders, and rules
12 and procedures adopted under this chapter;

13 (10) adopt a classification system to assist sheriffs
14 and judges in determining which defendants are low-risk and
15 consequently suitable participants in a county jail work release
16 program under Article 42.034, Code of Criminal Procedure;

17 (11) adopt rules relating to requirements for
18 segregation of classes of inmates and to capacities for county
19 jails;

20 (12) require that the chief jailer of each municipal
21 lockup submit to the commission, on a form prescribed by the
22 commission, an annual report of persons under 17 years of age
23 securely detained in the lockup, including all information
24 necessary to determine compliance with state law concerning secure
25 confinement of children in municipal lockups;

26 (13) at least annually determine whether each county
27 jail is in compliance with the rules and procedures adopted under

1 this chapter;

2 (14) require that the sheriff and commissioners court
3 of each county submit to the commission, on a form prescribed by the
4 commission, an annual report of persons under 17 years of age
5 securely detained in the county jail, including all information
6 necessary to determine compliance with state law concerning secure
7 confinement of children in county jails; ~~and~~

8 (15) schedule announced and unannounced inspections
9 of jails under its jurisdiction based on the jail's history of
10 compliance with commission standards and other high-risk factors
11 identified by the commission; and

12 (16) adopt reasonable rules and procedures
13 establishing minimum requirements for county jails to:

14 (A) determine if a prisoner is pregnant; and

15 (B) ensure that the jail's health services plan
16 addresses medical and mental health care, including nutritional
17 requirements, and any special housing or work assignment needs for
18 persons who are confined in the jail and are known or determined to
19 be pregnant.

20 SECTION 2. Section 511.0101(a), Government Code, is amended
21 to read as follows:

22 (a) Each county shall submit to the commission on or before
23 the fifth day of each month a report containing the following
24 information:

25 (1) the number of prisoners confined in the county
26 jail on the first day of the month, classified on the basis of the
27 following categories:

- 1 (A) total prisoners;
- 2 (B) pretrial Class C misdemeanor offenders;
- 3 (C) pretrial Class A and B misdemeanor offenders;
- 4 (D) convicted misdemeanor offenders;
- 5 (E) felony offenders whose penalty has been
- 6 reduced to a misdemeanor;
- 7 (F) pretrial felony offenders;
- 8 (G) convicted felony offenders;
- 9 (H) prisoners detained on bench warrants;
- 10 (I) prisoners detained for parole violations;
- 11 (J) prisoners detained for federal officers;
- 12 (K) prisoners awaiting transfer to the
- 13 institutional division of the Texas Department of Criminal Justice
- 14 following conviction of a felony or revocation of probation,
- 15 parole, or release on mandatory supervision and for whom paperwork
- 16 and processing required for transfer have been completed;
- 17 (L) prisoners detained after having been
- 18 transferred from another jail and for whom the commission has made a
- 19 payment under Subchapter F, Chapter 499, Government Code; ~~and~~
- 20 (M) prisoners who are known to be pregnant; and
- 21 (N) other prisoners;
- 22 (2) the total capacity of the county jail on the first
- 23 day of the month; and
- 24 (3) certification by the reporting official that the
- 25 information in the report is accurate.

26 SECTION 3. The Commission on Jail Standards shall establish
27 the specific standards as required by Section 511.009(a),

1 Government Code, as amended by this Act, not later than January 1,
2 2010.

3 SECTION 4. A county shall submit the first report required
4 by Section 511.0101, Government Code, as amended by this Act, not
5 later than October 5, 2009.

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