

By: Ellis

S.B. No. 976

A BILL TO BE ENTITLED

AN ACT

1
2 relating to distribution of sexual barrier protection devices to
3 inmates and state jail defendants confined in facilities operated
4 by or under contract with the Texas Department of Criminal Justice.

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

6 SECTION 1. Subchapter B, Chapter 501, Government Code, is
7 amended by adding Section 501.0541 to read as follows:

8 Sec. 501.0541. DISTRIBUTION OF SEXUAL BARRIER PROTECTION
9 DEVICES TO INMATES AND STATE JAIL DEFENDANTS. (a) In this section,
10 "sexual barrier protection device" means a device, including a
11 condom or a dental dam, that:

12 (1) is approved by the United States Food and Drug
13 Administration;

14 (2) has not been tampered with; and

15 (3) reduces the probability of the transmission of a
16 sexually transmitted disease or infection between sexual partners.

17 (b) The department shall adopt a policy that:

18 (1) provides for the distribution of condoms, in
19 discreet locations at each unit or through health care providers at
20 each facility, to inmates and state jail defendants confined in
21 facilities operated by or under contract with the department;

22 (2) allows any nonprofit or public health care agency
23 to distribute sexual barrier protection devices to the persons
24 described by Subdivision (1); and

1 (3) provides for the disposal of used sexual barrier
2 protection devices in a manner that protects:

3 (A) the anonymity of inmates and state jail
4 defendants; and

5 (B) the health of department employees, inmates,
6 and state jail defendants.

7 (c) Possession of a sexual barrier protection device
8 distributed in accordance with the policy adopted under Subsection
9 (b) may not be used as evidence of illegal activity for purposes of
10 administrative sanctions against an inmate or state jail defendant.

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2009.