

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

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

IN RE: SB1009 by Deuell (Relating to the continuation and functions of the Commission on Jail Standards.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The Texas Commission on Jail Standards (TCJS) is subject to the Sunset Act and will be abolished on September 1, 2009, unless continued by the Legislature. The bill would take effect on September 1, 2009.

SECTION 5 of the bill would amend the Government Code, Chapter 511, by adding Section 511.0061 to include language requiring TCJS to make effective use of technology in its delivery of services and provision of information to the public.

SECTION 6 of the bill would amend the Government Code, Section 511.0071, to require TCJS to adopt updated rules and procedures to clearly describe the complaints process; provide a standard form for submitting complaints; and establish a procedure to track, analyze, and report summary information about complaints to the Commission members.

SECTION 8 of the bill would amend the Government Code by adding Section 511.0085, which would require TCJS to develop a comprehensive set of risk factors and a risk assessment plan to guide the inspections process for all jails under its jurisdiction.

SECTION 9 of the bill would amend the Government Code, Section 511.009, to require TCJS to develop a best practices program to share useful information about jail compliance and common operational challenges with its stakeholders and report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with certain provisions in the Code of Criminal Procedure related to defendants with mental illness or mental retardation. The bill would require TCJS to adopt rules and procedures for minimum requirements for jails related to pregnant inmates. It would also require TCJS to provide guidelines to sheriffs regarding contracts for jail commissary services, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety.

SECTION 11 of the bill would amend the Government Code by adding Section 511.0115, requiring TCJS to provide public information about the compliance status of jails on the agency's website.

SECTION 12 of the bill would amend the Government Code by adding Section 511.018, requiring TCJS to develop a policy that encourages the use of negotiated rule making and alternative dispute resolution. The bill would also add Section 511.019, which would require TCJS to review existing Commission rules and determine whether it is necessary to adopt new rules requiring jails to provide reasonable access to jail personnel to obtain publicly available information concerning jail operations, including visitation policies. This section would also require the Commission to conduct a one-time study of jail commissary pricing practices statewide and report findings to the Legislature by September 1, 2010.

The bill would add Section 511.0102, which would authorize the Commission to grant variances to allow a jail to exclude from population counts inmates awaiting transfer to the Texas Department of Criminal Justice or held on technical violations of parole. The Commission would be prohibited from granting such a variance if it would result in an inadequate number of corrections officers being available to provide safe, suitable, and sanitary conditions. The bill would require the Commission to determine if jails found to be out of compliance based on population would be in compliance if the jail excluded the specified inmates from the count, and provide this information to the jail.

SECTION 13 of the bill would repeal the Government Code, Section 511.0071(c), relating to TCJS establishing methods by which consumers and service recipients are notified of the name, mailing address, and telephone number to the Commission for the purpose of directing complaints.

The Texas Commission on Jail Standard anticipates no significant fiscal impact to the agency.

Local Government Impact

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

Source Agencies: 116 Sunset Advisory Commission, 409 Commission on Jail Standards

LBB Staff: JOB, DB, GG, MC