

By: Marquez, Allen

H.B. No. 3764

Substitute the following for H.B. No. 3764:

By: Marquez

C.S.H.B. No. 3764

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of certain information regarding inmates and the use of administrative segregation by the Texas Department of Criminal Justice.

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

SECTION 1. Chapter 493, Government Code, is amended by adding Sections 493.030 and 493.031 to read as follows:

Sec. 493.030. ANNUAL REPORT. (a) Not later than January 1 of each year, the department shall submit a written report containing the information described by Subsection (b) to:

(1) the governor;

(2) the lieutenant governor;

(3) the speaker of the house of representatives; and

(4) each standing committee of the senate and house of representatives having primary jurisdiction over the department.

(b) The report must include the following information for the preceding fiscal year:

(1) the number of inmates in the general prison population who were referred to mental health professionals and the reasons for the referrals;

(2) the number of inmates confined in administrative segregation who were referred to mental health professionals and the reasons for the referrals;

(3) a summary of the types of offenses for which each

1 inmate was imprisoned;

2 (4) the number of documented suicide attempts by
3 inmates in the general prison population;

4 (5) the number of documented suicide attempts by
5 inmates confined in administrative segregation;

6 (6) the number of inmates who were confined in
7 administrative segregation immediately before the inmates'
8 discharge from the department;

9 (7) the number of inmates who were confined in
10 administrative segregation immediately before the inmates' release
11 on parole or to mandatory supervision;

12 (8) the rate of recidivism among:

13 (A) inmates who were never confined in
14 administrative segregation before the inmates' release or
15 discharge from the department;

16 (B) inmates who were confined in administrative
17 segregation immediately before the inmates' release or discharge
18 from the department; and

19 (C) inmates who were confined in administrative
20 segregation at any time prior to the inmates' release or discharge
21 from the department and who are not described by Paragraph (B);

22 (9) for inmates confined in administrative
23 segregation at any time during the fiscal year:

24 (A) the average length of time an inmate was
25 continuously confined in administrative segregation;

26 (B) the longest and shortest length of time an
27 inmate was continuously confined in administrative segregation;

1 (C) a summary of the offenses for which inmates
2 confined in administrative segregation were imprisoned; and

3 (D) a summary of the reasons for which inmates
4 were placed in administrative segregation;

5 (10) the number of inmates discharged or released
6 directly from the general prison population who have obtained
7 regular employment on or before the 180th day after the inmates'
8 release or discharge, to the extent that information is available;

9 (11) the number of inmates discharged or released
10 directly from confinement in administrative segregation who have
11 obtained regular employment on or before the 180th day after the
12 inmates' release or discharge, to the extent that information is
13 available;

14 (12) the number of reviews conducted by the department
15 concerning an inmate's placement in administrative segregation and
16 the number of those reviews that resulted in the inmate being
17 transferred to the general prison population;

18 (13) the number of inmates who were transferred from
19 administrative segregation to the general prison population as a
20 result of successfully completing a program designed to facilitate
21 the return of an inmate to the general prison population; and

22 (14) information regarding the operations and
23 activity of gangs, identified security threat groups, or other
24 disruptive groups within each facility operated by or under
25 contract with the department.

26 Sec. 493.031. INFORMATION CONCERNING COST OF CONFINEMENT IN
27 ADMINISTRATIVE SEGREGATION. The Legislative Budget Board shall

1 include in its Criminal Justice Uniform Cost Report the cost per day
2 calculation of confining an inmate in administrative segregation.

3 SECTION 2. Subchapter A, Chapter 501, Government Code, is
4 amended by adding Section 501.023 to read as follows:

5 Sec. 501.023. USE OF ADMINISTRATIVE SEGREGATION. (a) The
6 department shall conduct a review of the department's policies
7 regarding the use of administrative segregation. The review must
8 examine methods to reduce the number of inmates housed in
9 administrative segregation, including alternatives to
10 administrative segregation. Based on the review, the department
11 shall develop a plan to reduce the department's use of
12 administrative segregation.

13 (b) The plan must provide an inmate confined in
14 administrative segregation with the following, based on the
15 inmate's assessed risks and needs and the personal safety of the
16 inmate or another person:

17 (1) the opportunity to participate in programs and
18 services in the inmate's cell that are similar to the educational
19 courses, work-related training, or other technical or vocational
20 programs that are available to the general inmate population;

21 (2) increases in the amount of time the inmate is
22 allowed out of the inmate's cell based on the length of the inmate's
23 period of confinement in administrative segregation;

24 (3) the opportunity to exercise with inmates in the
25 general prison population;

26 (4) daily contact with prison staff; and

27 (5) access to audio and visual media that provide the

1 inmate with appropriate mental stimulation.

2 (c) In addition to the requirements of Subsection (b), for
3 an inmate confined in administrative segregation for reasons other
4 than the inmate's misconduct or disciplinary record or membership
5 in a gang or identified security threat group, the plan must allow
6 the inmate:

7 (1) adequate and regular access to mental health
8 services; and

9 (2) if the inmate will be confined in administrative
10 segregation immediately before the inmate's release or discharge
11 from the department, access to services and programs that assist
12 inmates in developing:

13 (A) the ability to obtain and maintain long-term
14 employment and stable housing; and

15 (B) social skills and life skills, including
16 building and maintaining parenting skills, anger management
17 techniques, positive family interactions, and law-abiding
18 behavior.

19 (d) The department shall develop and include in the plan a
20 program that provides an opportunity for an inmate who is confined
21 in administrative segregation based on the inmate's membership in a
22 gang or security threat group to return to the general prison
23 population. The program may not exceed eight months in length and
24 must be available to an inmate who:

25 (1) has renounced the inmate's membership in the gang
26 or security threat group; and

27 (2) during the one-year period preceding the inmate's

1 application to the program has not:

2 (A) committed assault against another inmate or a
3 member of the prison staff;

4 (B) been the subject of major disciplinary
5 action; or

6 (C) participated in any gang-related or security
7 threat group-related activity.

8 (e) The plan may not result in increased danger to inmates
9 imprisoned in, or employees employed at, any facility operated by
10 or under contract with the department.

11 SECTION 3. (a) The Texas Department of Criminal Justice
12 shall submit the first report required under Section 493.030,
13 Government Code, as added by this Act, not later than January 1,
14 2012.

15 (b) Not later than June 1, 2012, the Texas Department of
16 Criminal Justice shall submit for review and comment the plan
17 developed under Section 501.023, Government Code, as added by this
18 Act, to:

- 19 (1) the governor;
- 20 (2) the lieutenant governor;
- 21 (3) the speaker of the house of representatives;
- 22 (4) each standing committee of the senate and house of
23 representatives having primary jurisdiction over the department;
- 24 and
- 25 (5) the Legislative Budget Board.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2011.