



13 MAY -2 PM 5:43
HOUSE OF REPRESENTATIVES

BY: Alma Allen

FLOOR AMENDMENT NO. _____

1 Amend C.S. S.B. No. 213 (housing committee printing) by
2 adding the following appropriately numbered SECTIONS to the bill
3 and renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Subtitle G, Title 4, Government Code, is
5 amended by adding Chapter 512 to read as follows:

6 CHAPTER 512. TEXAS DEPARTMENT OF CRIMINAL JUSTICE

7 OVERSIGHT COMMITTEE

8 Sec. 512.001. DEFINITIONS. In this chapter:

9 (1) "Committee" means the Texas Department of Criminal
10 Justice Oversight Committee.

11 (2) "Correctional facility" means a facility operated
12 by or under contract with the department.

13 Sec. 512.002. ESTABLISHMENT; COMPOSITION. (a) The
14 committee is established to provide a continuing program of
15 inspection and oversight for each correctional facility.

16 (b) The committee is composed of eight members as follows:

17 (1) four members of the senate appointed by the
18 lieutenant governor, not more than two of whom are members of the
19 same political party; and

20 (2) four members of the house of representatives
21 appointed by the speaker of the house of representatives, not more
22 than two of whom are members of the same political party.

23 (c) In making appointments to the committee, the lieutenant
24 governor or the speaker of the house of representatives, as
25 applicable, shall give first consideration to members of the Senate
26 Committee on Criminal Justice or the House Committee on
27 Corrections.

28 (d) A member of the committee serves at the pleasure of the
29 appointing official.

1 (e) Not later than the 15th day after the date a regular
2 session of the legislature convenes, the lieutenant governor and
3 the speaker of the house of representatives shall make appointments
4 to the committee under this section.

5 Sec. 512.003. TERMS; VACANCY. (a) Each member of the
6 committee serves a term beginning on the date the member is
7 appointed and ending on the date the next regular session of the
8 legislature convenes, unless the member ceases to be a member of the
9 legislature.

10 (b) If a vacancy occurs during a member's term, the
11 appropriate appointing official shall appoint a qualified person to
12 serve for the unexpired term.

13 Sec. 512.004. PRESIDING OFFICER. (a) The lieutenant
14 governor and the speaker of the house of representatives shall
15 appoint the presiding officer of the committee on an alternating
16 basis.

17 (b) The term of a presiding officer of the committee may not
18 exceed two years.

19 Sec. 512.005. COMPENSATION AND REIMBURSEMENT. A member of
20 the committee serves without compensation for service on the
21 committee but is entitled to reimbursement for travel and other
22 necessary expenses as provided by Chapter 660 and the General
23 Appropriations Act.

24 Sec. 512.006. STAFF; AUTHORITY TO CONTRACT. (a) The
25 committee shall employ a director and other staff and may contract
26 for the provision of services as necessary to carry out the
27 committee's duties.

28 (b) The committee shall direct the work of the director and
29 staff of the committee.

30 (c) The committee may not employ a person who is employed by
31 or affiliated with or who contracts to provide services to:

1 (1) the department, including an ombudsman program
2 operated by the department; or

3 (2) the board.

4 Sec. 512.007. COMPENSATION OF STAFF. (a) The director
5 shall receive a salary and compensation in an amount determined by
6 the presiding officer of the committee.

7 (b) The director shall determine the salaries and
8 compensation of other committee staff.

9 Sec. 512.008. COMMITTEE POWERS AND DUTIES. (a) The
10 committee shall:

11 (1) provide for the regular inspection of each
12 correctional facility; and

13 (2) submit reports to the board and the legislature,
14 in accordance with Subsection (c), that include:

15 (A) the results of the committee's inspections
16 since the most recent inspections included in a report to the board
17 or legislature, as applicable, including an evaluation of the
18 inmate grievance procedure at each inspected facility; and

19 (B) any recommendations concerning policy
20 changes or other means by which to improve the conditions or
21 operations of correctional facilities in this state.

22 (b) The committee shall ensure that:

23 (1) not fewer than a total of 25 correctional
24 facilities are inspected each two-year period, including not fewer
25 than 5 correctional facilities that are operated under contract
26 with the department; and

27 (2) each inspection includes one or more visitations
28 during:

29 (A) a general meal period; and

30 (B) a rehabilitative or educational program.

31 (c) The committee shall submit a report to:

1 (1) the board once every six months at a regularly
2 scheduled meeting of the board; and

3 (2) the legislature once every two years not later
4 than the 15th day after the date a regular session of the
5 legislature convenes.

6 Sec. 512.009. COMMUNICATION AND CONFIDENTIALITY. (a) The
7 department shall:

8 (1) allow a member of the committee or its staff to
9 access any part of a correctional facility, without advance notice,
10 for the purpose of conducting an inspection; and

11 (2) allow any person imprisoned or confined in a
12 correctional facility, or any correctional officer or other person
13 employed at a correctional facility, to communicate in person, by
14 mail, or by any other means with a member of the committee or its
15 staff.

16 (b) The department may not open or inspect any letter
17 between a member of the committee or its staff and a person
18 imprisoned or confined in a correctional facility.

19 (c) The department may not take any adverse action against a
20 person imprisoned or confined in a correctional facility or
21 employed by a correctional facility as a result of a communication
22 between the person and a member of the committee or its staff.

23 (d) A communication described by Subsection (a)(2) is
24 confidential and not subject to public disclosure under Chapter 552
25 or other law.

26 Sec. 512.010. PUBLIC AND INMATE AWARENESS. The committee
27 shall make available to the public and any person imprisoned or
28 confined in a correctional facility information regarding:

29 (1) the manner by which the committee may be
30 contacted; and

31 (2) the purpose, duties, and responsibilities of the

1 committee.

2 Sec. 512.011. OTHER LAW. The committee is not subject to
3 Chapter 2110.

4 SECTION _____. Not later than the 60th day after the
5 effective date of this Act, the lieutenant governor and the speaker
6 of the house of representatives shall appoint the initial members
7 to the Texas Department of Criminal Justice Oversight Committee
8 under Chapter 512, Government Code, as added by this Act.

