

BILL ANALYSIS

C.S.H.B. 2719
By: Guillen
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that youth who have been placed in foster care are at higher risk of being involved in the juvenile justice and criminal justice systems. Many children in the Texas foster care system have experienced significant trauma, including violence, neglect, abuse, threats, humiliation, and deprivation. Although research provides a growing understanding of the possible connections between childhood trauma and later criminal involvement, there is concern that the full scale of the problem is impossible to determine because the Texas Department of Criminal Justice does not currently inquire during the inmate intake process whether an individual has at any time been in foster care.

Interested parties contend that, to address the complex challenges facing youth in the foster care system, Texas must develop sufficient resources and programs to provide foster youth with the skills needed to succeed, which will require collecting data on potential future criminal justice system involvement. C.S.H.B. 2719 seeks to address such issues relating to at-risk foster youth.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2719 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ), during the diagnostic process, to assess each inmate with respect to whether the inmate has at any time been in the conservatorship of a state agency responsible for providing child protective services. The bill requires TDCJ, not later than December 31 of each year, to submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee having primary jurisdiction over TDCJ summarizing statistical information concerning the total number of inmates who have at any time been in the conservatorship of a state agency responsible for providing child protective services.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2719 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
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SECTION 1. Subchapter A, Chapter 501, Government Code, is amended by adding Section 501.023 to read as follows:

Sec. 501.023. INFORMATION CONCERNING FOSTER CARE HISTORY. (a) The department, during the diagnostic process, shall assess each inmate with respect to whether the inmate has at any time been in the conservatorship of a state agency responsible for providing child protective services.
(b) The department shall prepare and make available on the department's Internet website statistical information concerning the total number of inmates who have at any time been in the conservatorship of a state agency responsible for providing child protective services.

SECTION 2. Section 511.009(a), Government Code, is amended to read as follows:

- (a) The commission shall:
- (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
 - (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
 - (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
 - (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
 - (5) revise, amend, or change rules and procedures if necessary;
 - (6) provide to local government officials consultation on and technical assistance for county jails;
 - (7) review and comment on plans for the construction and major modification or renovation of county jails;

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(b) Not later than December 31 of each year, the department shall submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee having primary jurisdiction over the department. The report must summarize statistical information concerning the total number of inmates who have at any time been in the conservatorship of a state agency responsible for providing child protective services.

No equivalent provision.

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

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

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

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

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

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

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

(15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;

No equivalent provision.

(16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:

(A) common issues concerning jail administration;

(B) examples of successful strategies for maintaining compliance with state law and the rules, standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

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

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; and

(20) establish procedures for collecting statistical information concerning the number of prisoners in each jail who have at any time been in the conservatorship of a state agency responsible for providing child protective services and making that statistical information publicly available.

No equivalent provision.

SECTION 3. Section 511.0101(a), Government Code, is amended to read as follows:

No equivalent provision.

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

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

(A) total prisoners;

- (B) pretrial Class C misdemeanor offenders;
- (C) pretrial Class A and B misdemeanor offenders;
- (D) convicted misdemeanor offenders;
- (E) felony offenders whose penalty has been reduced to a misdemeanor;
- (F) pretrial felony offenders;
- (G) convicted felony offenders;
- (H) prisoners detained on bench warrants;
- (I) prisoners detained for parole violations;
- (J) prisoners detained for federal officers;
- (K) prisoners awaiting transfer to the institutional division of the Texas Department of Criminal Justice following conviction of a felony or revocation of probation, parole, or release on mandatory supervision and for whom paperwork and processing required for transfer have been completed;
- (L) prisoners detained after having been transferred from another jail and for whom the commission has made a payment under Subchapter F, Chapter 499, Government Code;
- (M) prisoners for whom an immigration detainer has been issued by United States Immigration and Customs Enforcement;
- [and]
- (N) prisoners who have at any time been in the conservatorship of a state agency responsible for providing child protective services; and
- (O) other prisoners;
- (2) the total capacity of the county jail on the first day of the month;
- (3) the total number of prisoners who were confined in the county jail during the preceding month, based on a count conducted on each day of that month, who were known or had been determined to be pregnant;
- (4) the total cost to the county during the preceding month of housing prisoners described by Subdivision (1)(M), calculated based on the average daily cost of housing a prisoner in the county jail; and
- (5) certification by the reporting official that the information in the report is accurate.

SECTION 4. The Commission on Jail Standards shall establish the procedures required by Section 511.009(a)(20), Government Code, as added by this Act, not

No equivalent provision.

later than January 1, 2014.

SECTION 5. A county shall submit the first report required by Section 511.0101(a), Government Code, as amended by this Act, not later than May 5, 2014.

No equivalent provision.

SECTION 6. This Act takes effect September 1, 2013.

SECTION 2. Same as introduced version.