

## **BILL ANALYSIS**

Senate Research Center

S.B. 1003  
By: Carona et al.  
Criminal Justice  
7/15/2013  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2011, the Texas Department of Criminal Justice (TDCJ) housed 8,784 prisoners in administrative segregation, also known as solitary confinement. While the current administrative segregation population in Texas is over five percent of the total prison population, the national average is under two percent. Of the 8,784 Texans in administrative segregation, TDCJ reported that 2,060 were identified with a serious mental health or mental retardation diagnosis.

S.B. 1003 amends current law relating to a review of and report regarding the use of adult and juvenile administrative segregation in facilities in this state.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 203, Human Resources Code, by adding Section 203.016, as follows:

Sec. 203.016. DATA REGARDING PLACEMENT IN DISCIPLINARY SECLUSION.

(a) Defines "disciplinary seclusion" and "juvenile facility" for this section.

(b) Requires the Texas Juvenile Justice Department to collect the following data during the annual registration of juvenile facilities and make the data publicly available:

(1) the number of placements in disciplinary seclusion lasting at least 90 minutes but less than 24 hours;

(2) the number of placements in disciplinary seclusion lasting 24 hours or more but less than 48 hours; and

(3) the number of placements in disciplinary seclusion lasting 48 hours or more.

SECTION 2. DEFINITION. Defines "facility" in this Act.

SECTION 3. REVIEW OF ADMINISTRATIVE SEGREGATION POLICIES. Requires the Criminal Justice Legislative Oversight Committee, subject to the availability of funds from gifts, grants, and donations accepted under Section 4 of this Act, to appoint an independent third party to conduct a review of facilities in this state regarding the facilities' use of adult and juvenile administrative segregation and certain related statistics, including:

(1) classification to administrative segregation and release from administrative segregation;

(2) security threat group classification;

- (3) notification of release and release procedures;
- (4) access of adults and juveniles confined in administrative segregation to mental health services; health care services; substance abuse programs and services; reentry resources and transitional programs and services; and other programs and services that are available to the general adult and juvenile population;
- (5) access of adults confined in administrative segregation to programs and services for adults who are veterans;
- (6) the number of adults and juveniles confined in administrative segregation who were referred to mental health professionals;
- (7) the average length of time adults and juveniles were continuously confined in administrative segregation; and
- (8) the rate of recidivism among adults and juveniles who were confined in administrative segregation at any time.

SECTION 4. ACCEPTANCE OF GIFTS, GRANTS, AND DONATIONS. (a) Authorizes the Criminal Justice Legislative Oversight Committee, for the purpose of funding the third-party review under Section 3 of this Act, to:

(1) apply for and accept:

(A) gifts, grants, and donations from any organization described in Section 501(c)(3) or (4) of the Internal Revenue Code of 1986; and

(B) federal grants; and

(2) accept donations from an individual or a private entity.

(b) Requires that all gifts, grants, and donations be reported in the public records of the Criminal Justice Legislative Oversight Committee with the name of the donor and purpose of the gift, grant, or donation accepted.

SECTION 5. REPORT. Requires the independent third party, not later than December 1, 2014, to provide a report of the third party's findings and recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over criminal justice matters. Requires that the report, at a minimum, contain detailed recommendations to:

(1) reduce the administrative segregation population in facilities in this state;

(2) divert adults and juveniles with mental illness from administrative segregation; and

(3) decrease the length of time adults and juveniles are confined in administrative segregation in facilities in this state.

SECTION 6. PUBLIC INFORMATION. Provides that Chapter 552 (Public Information), Government Code, applies to the review conducted by the independent third party under this Act and all information gathered and analyzed for that review, including background research and any report or summary; the report submitted by the independent third party under Section 5 of this Act; and all information collected, created, or stored under this Act by the Criminal Justice Legislative Oversight Committee.

SECTION 7. EXPIRATION. Provides that this Act expires February 1, 2015.

SECTION 8. EFFECTIVE DATE. Effective date: September 1, 2013.