

BILL ANALYSIS

C.S.S.B. 1003
By: Carona
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to data reported for a recent year, the Texas Department of Criminal Justice housed more than five percent of the total number of Texas inmates in administrative segregation facilities, compared with the national average of one to two percent. Observers indicate that many of the individuals held in these facilities are identified as having a serious mental illness or mental retardation diagnosis. Interested parties assert that Texas already ranks low among the states in providing mental health care and that administrative segregation may exacerbate the mental health issues faced by these individuals. The parties note that current policies have significant implications for the availability and allocation of resources to address overall mental health treatment in the prison system and for local mental health facilities that assist individuals who are released from confinement. C.S.S.B. 1003 seeks to address these concerns by providing for a review of and report regarding the use of adult and juvenile administrative segregation in Texas facilities.

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.S.B. 1003, in a temporary provision set to expire February 1, 2015, requires the Criminal Justice Legislative Oversight Committee, subject to the availability of funds from gifts, grants, and donations accepted under the bill's provisions, to appoint an independent third party to conduct a review of Texas facilities regarding the facilities' use of adult and juvenile administrative segregation and related statistics and sets out elements that the review is required to address. The bill defines "facility" as a facility operated by or under contract with the Texas Department of Criminal Justice; a facility operated by a municipality, or a private vendor on a municipality's behalf, for the confinement of a person arrested for, charged with, or convicted of a criminal offense; or a public or private juvenile secure detention facility.

C.S.S.B. 1003 authorizes the committee, for the purpose of funding the third-party review, to apply for and accept gifts, grants, and donations from organizations exempted from federal income tax under certain provisions of the federal Internal Revenue Code of 1986 and federal grants and to accept donations from an individual or a private entity. The bill requires all gifts, grants, and donations to be reported in the committee's public records with the name of the donor and purpose of the gift, grant, or donation accepted.

C.S.S.B. 1003 requires the independent third party, not later than December 31, 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. The bill requires the report to contain, at a minimum, detailed recommendations to reduce the administrative segregation population in Texas facilities, divert adults and juveniles with mental illness from administrative segregation,

and decrease the length of time adults and juveniles are confined in administrative segregation in Texas facilities. The bill applies state public information law to the third party's review, all information gathered and analyzed for that review, and the report.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.S.B. 1003 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. DEFINITION.

SECTION 2. REVIEW OF ADMINISTRATIVE SEGREGATION POLICIES.

The Criminal Justice Legislative Oversight Committee shall 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 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:
 - (A) mental health services;
 - (B) health care services;
 - (C) substance abuse programs and services;
 - (D) reentry resources and transitional programs and services; and
 - (E) 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

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as engrossed version.

SECTION 2. REVIEW OF ADMINISTRATIVE SEGREGATION POLICIES.

Subject to the availability of funds from gifts, grants, and donations accepted under Section 3 of this Act, the

Criminal Justice Legislative Oversight Committee shall 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 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:
 - (A) mental health services;
 - (B) health care services;
 - (C) substance abuse programs and services;
 - (D) reentry resources and transitional programs and services; and
 - (E) 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.

No equivalent provision.

SECTION 3. REPORT.

SECTION 4. PUBLIC INFORMATION.

SECTION 5. EXPIRATION. This Act expires February 1, 2015.

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

juveniles who were confined in administrative segregation at any time.

SECTION 3. ACCEPTANCE OF GIFTS, GRANTS, AND DONATIONS. (a) For the purpose of funding the third-party review under Section 2 of this Act, the Criminal Justice Legislative Oversight Committee may:

(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) All gifts, grants, and donations must 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 4. Same as engrossed version.

SECTION 5. Same as engrossed version.

SECTION 6. Same as engrossed version.

SECTION 7. Same as engrossed version.