

By: Menendez

H.B. No. 37

A BILL TO BE ENTITLED

AN ACT

1
2 relating to ensuring the continuation of certain public benefits,
3 including medical assistance, for individuals after release from
4 confinement in a county jail.

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

6 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,
7 is amended by adding Section 32.0264 to read as follows:

8 Sec. 32.0264. SUSPENSION AND AUTOMATIC REINSTATEMENT OF
9 ELIGIBILITY FOR INDIVIDUALS CONFINED IN COUNTY JAILS. (a) In this
10 section, "county jail" means a facility operated by or for a county
11 for the confinement of persons accused or convicted of an offense.

12 (b) An individual's eligibility for medical assistance is
13 suspended during the period the individual is confined in a county
14 jail.

15 (c) The eligibility of an individual for medical assistance
16 that is suspended as provided by Subsection (b) is automatically
17 reinstated on the date the individual is released from the county
18 jail, provided the individual's eligibility certification period
19 has not elapsed. Following the reinstatement, the individual
20 remains eligible until the expiration of the period for which the
21 individual was certified as eligible.

22 SECTION 2. Subchapter C, Chapter 351, Local Government
23 Code, is amended by adding Section 351.048 to read as follows:

24 Sec. 351.048. NOTICE TO CERTAIN GOVERNMENTAL ENTITIES. (a)

1 The sheriff of a county shall notify:

2 (1) the United States Social Security Administration
3 of the release or discharge of a prisoner who, immediately before
4 the prisoner's confinement in the county jail, was receiving:

5 (A) Supplemental Security Income (SSI) benefits
6 under 42 U.S.C. Section 1381 et seq.; or

7 (B) Social Security Disability Insurance (SSDI)
8 benefits under 42 U.S.C. Section 401 et seq.; and

9 (2) the Health and Human Services Commission of the
10 release or discharge of a prisoner who, immediately before the
11 prisoner's confinement in the county jail, was receiving medical
12 assistance benefits under Chapter 32, Human Resources Code.

13 (b) The sheriff shall provide the notices described by
14 Subsection (a) by mail and electronically immediately on the
15 prisoner's release or discharge from custody. The sheriff shall
16 provide a copy of each applicable notice to the prisoner at the time
17 of the prisoner's release or discharge.

18 (c) The county or sheriff, or an employee of the county or
19 sheriff, is not liable in a civil action for damages resulting from
20 a failure to comply with this section.

21 SECTION 3. Section 32.0264, Human Resources Code, as added
22 by this Act, applies to an individual whose period of confinement in
23 a county jail begins on or after the effective date of this Act,
24 regardless of the date the individual was determined eligible for
25 medical assistance under Chapter 32, Human Resources Code.

26 SECTION 4. Section 351.048, Local Government Code, as added
27 by this Act, applies to the release or discharge of a prisoner from

1 a county jail that occurs on or after the effective date of this
2 Act, regardless of the date the prisoner was initially confined in
3 the county jail.

4 SECTION 5. If before implementing any provision of this Act
5 a state agency determines that a waiver or authorization from a
6 federal agency is necessary for implementation of that provision,
7 the agency affected by the provision shall request the waiver or
8 authorization and may delay implementing that provision until the
9 waiver or authorization is granted.

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