

By: Allen

H.B. No. 877

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the establishment of the Texas Department of Criminal
3 Justice Oversight Committee.

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

5 SECTION 1. Subtitle G, Title 4, Government Code, is amended
6 by adding Chapter 512 to read as follows:

7 CHAPTER 512. TEXAS DEPARTMENT OF CRIMINAL JUSTICE

8 OVERSIGHT COMMITTEE

9 Sec. 512.001. DEFINITIONS. In this chapter:

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

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

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

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

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

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

24 (c) In making appointments to the committee, the lieutenant

1 governor or the speaker of the house of representatives, as
2 applicable, shall give first consideration to members of the Senate
3 Committee on Criminal Justice or the House Committee on
4 Corrections.

5 (d) A member of the committee serves at the pleasure of the
6 appointing official.

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

11 Sec. 512.003. TERMS; VACANCY. (a) Each member of the
12 committee serves a term beginning on the date the member is
13 appointed and ending on the date the next regular session of the
14 legislature convenes, unless the member ceases to be a member of the
15 legislature.

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

19 Sec. 512.004. PRESIDING OFFICER. (a) The lieutenant
20 governor and the speaker of the house of representatives shall
21 appoint the presiding officer of the committee on an alternating
22 basis.

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

25 Sec. 512.005. COMPENSATION AND REIMBURSEMENT. A member of
26 the committee serves without compensation for service on the
27 committee but is entitled to reimbursement for travel and other

1 necessary expenses as provided by Chapter 660 and the General
2 Appropriations Act.

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

7 (b) The committee shall direct the work of the director and
8 staff of the committee.

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

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

13 (2) the board.

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

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

19 Sec. 512.008. ATTORNEY GENERAL AS LEGAL ADVISOR. The
20 attorney general shall act as legal advisor for the committee.

21 Sec. 512.009. COMMITTEE POWERS AND DUTIES. (a) The
22 committee shall:

23 (1) provide for the regular inspection of each
24 correctional facility; and

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

27 (A) the results of the committee's inspections

1 since the most recent inspections included in a report to the board
2 or legislature, as applicable, including an evaluation of the
3 inmate grievance procedure at each inspected facility; and

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

7 (b) The committee shall ensure that:

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

12 (2) each inspection includes one or more visitations
13 during:

14 (A) a general meal period; and

15 (B) a rehabilitative or educational program.

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

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

19 (2) the legislature once every two years not later
20 than the 15th day after the date a regular session of the
21 legislature convenes.

22 Sec. 512.010. COMMUNICATION AND CONFIDENTIALITY. (a) The
23 department shall:

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

27 (2) allow any person imprisoned or confined in a

1 correctional facility, or any correctional officer or other person
2 employed at a correctional facility, to communicate in person, by
3 mail, or by any other means with a member of the committee or its
4 staff.

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

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

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

15 Sec. 512.011. PUBLIC AND INMATE AWARENESS. The committee
16 shall make available to the public and any person imprisoned or
17 confined in a correctional facility information regarding:

18 (1) the manner by which the committee may be
19 contacted; and

20 (2) the purpose, duties, and responsibilities of the
21 committee.

22 Sec. 512.012. OTHER LAW. The committee is not subject to
23 Chapter 2110.

24 SECTION 2. Not later than the 60th day after the effective
25 date of this Act, the lieutenant governor and the speaker of the
26 house of representatives shall appoint the initial members to the
27 Texas Department of Criminal Justice Oversight Committee under

1 Chapter 512, Government Code, as added by this Act.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2013.