AN ACT
relating to a review of and report regarding the use of adult and
juvenile administrative segregation in facilities in this state.

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

SECTION 1. Chapter 203, Human Resources Code, is amended by
adding Section 203.016 to read as follows:

Sec. 203.016. DATA REGARDING PLACEMENT IN DISCIPLINARY
SECLUSION. (a) In this section:

(1) "Disciplinary seclusion" means the separation of a
resident from other residents for disciplinary reasons and the
placement of the resident alone in an area from which egress is
prevented for more than 90 minutes.

(2) "Juvenile facility" means a facility that serves
juveniles under juvenile court jurisdiction and that is operated as
a pre-adjudication secure detention facility, a short-term
detention facility, or a post-adjudication secure correctional
facility.

(b) The department shall 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. In this Act, "facility" means:

(1) a facility operated by or under contract with the Texas Department of Criminal Justice;

(2) a facility operated by a municipality, or a private vendor on behalf of a municipality, for the confinement of a person arrested for, charged with, or convicted of a criminal offense; or

(3) a public or private juvenile secure detention facility.

SECTION 3. REVIEW OF ADMINISTRATIVE SEGREGATION POLICIES. Subject to the availability of funds from gifts, grants, and donations accepted under Section 4 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.

SECTION 4. ACCEPTANCE OF GIFTS, GRANTS, AND DONATIONS.

(a) For the purpose of funding the third-party review under Section 3 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 5. REPORT. Not later than December 31, 2014, the independent third party shall 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. At a minimum, the report must 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. Chapter 552, Government Code, applies to:

(1) 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;
(2) the report submitted by the independent third party under Section 5 of this Act; and
(3) all information collected, created, or stored under this Act by the Criminal Justice Legislative Oversight Committee.

SECTION 7. EXPIRATION. This Act expires February 1, 2015.
S.B. No. 1003

SECTION 8. EFFECTIVE DATE. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1003 passed the Senate on April 29, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 24, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1003 passed the House, with amendments, on May 22, 2013, by the following vote: Yeas 133, Nays 13, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor