

By: Rodriguez

S.B. No. 1739

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the Criminal Justice Legislative Oversight Committee,
3 the appointment of members, and the members' duties and
4 responsibilities.

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

6 SECTION 1. Section 328.001, Government Code, is amended to
7 read as follows:

8 Sec. 328.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

9 (1) "Board" means the Legislative Budget Board.

10 (2) "Committee" [~~,"committee"~~] means the Criminal
11 Justice Legislative Oversight Committee.

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

14 (4) "Department" means the Texas Department of
15 Criminal Justice.

16 SECTION 2. Section 328.002(b), Government Code, is amended
17 to read as follows:

18 (b) The committee is composed of six members as follows:

19 (1) the chair of the Senate Committee on Criminal
20 Justice;

21 (2) the chair of the House Committee on Corrections;

22 (3) two members of the senate appointed by the
23 lieutenant governor, neither of whom may be members of the same
24 political party; and

1 (4) two members of the house of representatives
2 appointed by the speaker of the house of representatives, neither
3 of whom may be members of the same political party.

4 SECTION 3. Section 328.004, Government Code, is amended by
5 adding Subsections (c), (d), and (e) to read as follows:

6 (c) The committee shall:

7 (1) provide for the regular inspection of each
8 correctional facility; and

9 (2) submit reports to the board and the legislature,
10 in accordance with Subsection (e), that include:

11 (A) the results of the committee's inspections
12 since the most recent inspections included in a report to the board
13 or legislature, as applicable, including an evaluation of the
14 inmate grievance procedure at each inspected facility; and

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

18 (d) The committee shall ensure that:

19 (1) not fewer than a total of 25 correctional
20 facilities are inspected each two-year period, including not fewer
21 than 5 correctional facilities that are operated under contract
22 with the department; and

23 (2) each inspection includes one or more visitations
24 during:

25 (A) a general meal period; and

26 (B) a rehabilitative or educational program.

27 (e) The committee shall submit a report to:

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

3 (2) the legislature once every two years not later
4 than the 15th day after the date a regular session of the
5 legislature convenes.

6 SECTION 4. Chapter 328, Government Code, is amended by
7 adding Sections 328.0041 and 328.0051 to read as follows:

8 Sec. 328.0041. COMMUNICATION AND CONFIDENTIALITY. (a) The
9 department shall:

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

13 (2) allow any person imprisoned or confined in a
14 correctional facility, or any correctional officer or other person
15 employed at a correctional facility, to communicate in person, by
16 mail, or by any other means with a member of the committee or its
17 staff.

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

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

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

1 Sec. 328.0051. PUBLIC AND INMATE AWARENESS. The committee
2 shall make available to the public and any person imprisoned or
3 confined in a correctional facility information regarding:

4 (1) the manner by which the committee may be
5 contacted; and

6 (2) the purpose, duties, and responsibilities of the
7 committee.

8 SECTION 5. Section 328.007, Government Code, is repealed.

9 SECTION 6. Not later than January 1, 2014, the speaker of
10 the house of representatives and the lieutenant governor shall
11 conform their respective appointments to the Criminal Justice
12 Legislative Oversight Committee as necessary to meet the
13 requirements of Section 328.002(b), Government Code, as amended by
14 this Act.

15 SECTION 7. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2013.