

By: Johnson, et al.

H.B. No. 549

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain duties of the Commission on Jail Standards
3 regarding visitation periods for county jail prisoners.

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

5 SECTION 1. Section 511.009, Government Code, is amended by
6 amending Subsection (a) and adding Subsections (a-1) and (a-2) to
7 read as follows:

8 (a) The commission shall:

9 (1) adopt reasonable rules and procedures
10 establishing minimum standards for the construction, equipment,
11 maintenance, and operation of county jails;

12 (2) adopt reasonable rules and procedures
13 establishing minimum standards for the custody, care, and treatment
14 of prisoners;

15 (3) adopt reasonable rules establishing minimum
16 standards for the number of jail supervisory personnel and for
17 programs and services to meet the needs of prisoners;

18 (4) adopt reasonable rules and procedures
19 establishing minimum requirements for programs of rehabilitation,
20 education, and recreation in county jails;

21 (5) revise, amend, or change rules and procedures if
22 necessary;

23 (6) provide to local government officials
24 consultation on and technical assistance for county jails;

1 (7) review and comment on plans for the construction
2 and major modification or renovation of county jails;

3 (8) require that the sheriff and commissioners of each
4 county submit to the commission, on a form prescribed by the
5 commission, an annual report on the conditions in each county jail
6 within their jurisdiction, including all information necessary to
7 determine compliance with state law, commission orders, and the
8 rules adopted under this chapter;

9 (9) review the reports submitted under Subdivision (8)
10 and require commission employees to inspect county jails regularly
11 to ensure compliance with state law, commission orders, and rules
12 and procedures adopted under this chapter;

13 (10) adopt a classification system to assist sheriffs
14 and judges in determining which defendants are low-risk and
15 consequently suitable participants in a county jail work release
16 program under Article [42.034](#), Code of Criminal Procedure;

17 (11) adopt rules relating to requirements for
18 segregation of classes of inmates and to capacities for county
19 jails;

20 (12) require that the chief jailer of each municipal
21 lockup submit to the commission, on a form prescribed by the
22 commission, an annual report of persons under 17 years of age
23 securely detained in the lockup, including all information
24 necessary to determine compliance with state law concerning secure
25 confinement of children in municipal lockups;

26 (13) at least annually determine whether each county
27 jail is in compliance with the rules and procedures adopted under

1 this chapter;

2 (14) require that the sheriff and commissioners court
3 of each county submit to the commission, on a form prescribed by the
4 commission, an annual report of persons under 17 years of age
5 securely detained in the county jail, including all information
6 necessary to determine compliance with state law concerning secure
7 confinement of children in county jails;

8 (15) schedule announced and unannounced inspections
9 of jails under the commission's jurisdiction using the risk
10 assessment plan established under Section [511.0085](#) to guide the
11 inspections process;

12 (16) adopt a policy for gathering and distributing to
13 jails under the commission's jurisdiction information regarding:

14 (A) common issues concerning jail
15 administration;

16 (B) examples of successful strategies for
17 maintaining compliance with state law and the rules, standards, and
18 procedures of the commission; and

19 (C) solutions to operational challenges for
20 jails;

21 (17) report to the Texas Correctional Office on
22 Offenders with Medical or Mental Impairments on a jail's compliance
23 with Article [16.22](#), Code of Criminal Procedure;

24 (18) adopt reasonable rules and procedures
25 establishing minimum requirements for jails to:

26 (A) determine if a prisoner is pregnant; and

27 (B) ensure that the jail's health services plan

1 addresses medical and mental health care, including nutritional
2 requirements, and any special housing or work assignment needs for
3 persons who are confined in the jail and are known or determined to
4 be pregnant; ~~and~~

5 (19) provide guidelines to sheriffs regarding
6 contracts between a sheriff and another entity for the provision of
7 food services to or the operation of a commissary in a jail under
8 the commission's jurisdiction, including specific provisions
9 regarding conflicts of interest and avoiding the appearance of
10 impropriety; and

11 (20) adopt reasonable rules and procedures
12 establishing minimum standards for prisoner visitation that
13 provide each prisoner at a county jail with a minimum of two
14 in-person, noncontact visitation periods per week of at least 20
15 minutes duration each.

16 (a-1) A county jail that as of September 1, 2015, has
17 incurred significant design, engineering, or construction costs to
18 provide prisoner visitation that does not comply with a rule or
19 procedure adopted under Subsection (a)(20), or does not have the
20 physical plant capability to provide the in-person prisoner
21 visitation required by a rule or procedure adopted under Subsection
22 (a)(20), is not required to comply with any commission rule or
23 procedure adopted under Subsection (a)(20).

24 (a-2) A commission rule or procedure adopted under
25 Subsection (a)(20) may not restrict the authority of a county jail
26 under the commission's rules in effect on September 1, 2015, to
27 limit prisoner visitation for disciplinary reasons.

1 SECTION 2. The Commission on Jail Standards shall establish
2 the specific standards as required by Section 511.009(a)(20),
3 Government Code, as added by this Act, not later than January 1,
4 2016.

5 SECTION 3. This Act takes effect September 1, 2015.