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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 511.009, Government Code, is amended by
amending Subsection (a) and adding Subsections (a-1) and (a-2) to
read as follows:
(a) The commission shall:
(1) adopt reasonable rules and procedures
establishing minimum standards for the construction, equipment,
maintenance, and operation of county jails;
(2) adopt reasonable rules and procedures
establishing minimum standards for the custody, care, and treatment
of prisoners;
(3) adopt reasonable rules establishing minimum
standards for the number of jail supervisory personnel and for
programs and services to meet the needs of prisoners;
(4) adopt reasonable rules and procedures
establishing minimum requirements for programs of rehabilitation,
education, and recreation in county jails;
(5) revise, amend, or change rules and procedures if
necessary;
(6) provide to local government officials
consultation on and technical assistance for county jails;
(7) review and comment on plans for the construction and major modification or renovation of county jails;
(8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
(9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;
(10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;
(11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;
(12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;
(13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under
this chapter;

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

(15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;

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

(A) common issues concerning jail administration;

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

(C) solutions to operational challenges for jails;

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

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

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan
addresses medical and mental health care, including nutritional
requirements, and any special housing or work assignment needs for
persons who are confined in the jail and are known or determined to
be pregnant; [and]

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

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

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

(a-2) A commission rule or procedure adopted under
Subsection (a)(20) may not restrict the authority of a county jail
under the commission's rules in effect on September 1, 2015, to
limit prisoner visitation for disciplinary reasons.
SECTION 2. The Commission on Jail Standards shall establish the specific standards as required by Section 511.009(a)(20), Government Code, as added by this Act, not later than January 1, 2016.

SECTION 3. This Act takes effect September 1, 2015.
H.B. No. 549

___ President of the Senate ___ Speaker of the House

I certify that H.B. No. 549 was passed by the House on May 12, 2015, by the following vote: Yeas 94, Nays 49, 2 present, not voting.

___ Chief Clerk of the House ___

I certify that H.B. No. 549 was passed by the Senate on May 25, 2015, by the following vote: Yeas 25, Nays 6.

___ Secretary of the Senate ___

APPROVED: _______________________

Date

___________________________

Governor