

By: Johnson, Geren, Coleman, Kuempel, Wu

H.B. No. 549

Substitute the following for H.B. No. 549:

By: Coleman

C.S.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 Subsection (a-1) to read as  
7 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 commission rule or procedure adopted under  
17 Subsection (a)(20) may not restrict the authority of a county jail  
18 under the commission's rules in effect on September 1, 2015, to  
19 limit prisoner visitation for disciplinary reasons.

20 SECTION 2. The Commission on Jail Standards shall establish  
21 the specific standards as required by Section 511.009(a)(20),  
22 Government Code, as added by this Act, not later than January 1,  
23 2016.

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