

1-1 By: Johnson, et al. (Senate Sponsor - Whitmire) H.B. No. 549  
 1-2 (In the Senate - Received from the House May 13, 2015;  
 1-3 May 13, 2015, read first time and referred to Committee on Criminal  
 1-4 Justice; May 22, 2015, reported favorably by the following vote:  
 1-5 Yeas 7, Nays 0; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to certain duties of the Commission on Jail Standards  
 1-18 regarding visitation periods for county jail prisoners.  
 1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-20 SECTION 1. Section 511.009, Government Code, is amended by  
 1-21 amending Subsection (a) and adding Subsections (a-1) and (a-2) to  
 1-22 read as follows:  
 1-23 (a) The commission shall:  
 1-24 (1) adopt reasonable rules and procedures  
 1-25 establishing minimum standards for the construction, equipment,  
 1-26 maintenance, and operation of county jails;  
 1-27 (2) adopt reasonable rules and procedures  
 1-28 establishing minimum standards for the custody, care, and treatment  
 1-29 of prisoners;  
 1-30 (3) adopt reasonable rules establishing minimum  
 1-31 standards for the number of jail supervisory personnel and for  
 1-32 programs and services to meet the needs of prisoners;  
 1-33 (4) adopt reasonable rules and procedures  
 1-34 establishing minimum requirements for programs of rehabilitation,  
 1-35 education, and recreation in county jails;  
 1-36 (5) revise, amend, or change rules and procedures if  
 1-37 necessary;  
 1-38 (6) provide to local government officials  
 1-39 consultation on and technical assistance for county jails;  
 1-40 (7) review and comment on plans for the construction  
 1-41 and major modification or renovation of county jails;  
 1-42 (8) require that the sheriff and commissioners of each  
 1-43 county submit to the commission, on a form prescribed by the  
 1-44 commission, an annual report on the conditions in each county jail  
 1-45 within their jurisdiction, including all information necessary to  
 1-46 determine compliance with state law, commission orders, and the  
 1-47 rules adopted under this chapter;  
 1-48 (9) review the reports submitted under Subdivision (8)  
 1-49 and require commission employees to inspect county jails regularly  
 1-50 to ensure compliance with state law, commission orders, and rules  
 1-51 and procedures adopted under this chapter;  
 1-52 (10) adopt a classification system to assist sheriffs  
 1-53 and judges in determining which defendants are low-risk and  
 1-54 consequently suitable participants in a county jail work release  
 1-55 program under Article 42.034, Code of Criminal Procedure;  
 1-56 (11) adopt rules relating to requirements for  
 1-57 segregation of classes of inmates and to capacities for county  
 1-58 jails;  
 1-59 (12) require that the chief jailer of each municipal  
 1-60 lockup submit to the commission, on a form prescribed by the  
 1-61 commission, an annual report of persons under 17 years of age

2-1 securely detained in the lockup, including all information  
2-2 necessary to determine compliance with state law concerning secure  
2-3 confinement of children in municipal lockups;

2-4 (13) at least annually determine whether each county  
2-5 jail is in compliance with the rules and procedures adopted under  
2-6 this chapter;

2-7 (14) require that the sheriff and commissioners court  
2-8 of each county submit to the commission, on a form prescribed by the  
2-9 commission, an annual report of persons under 17 years of age  
2-10 securely detained in the county jail, including all information  
2-11 necessary to determine compliance with state law concerning secure  
2-12 confinement of children in county jails;

2-13 (15) schedule announced and unannounced inspections  
2-14 of jails under the commission's jurisdiction using the risk  
2-15 assessment plan established under Section 511.0085 to guide the  
2-16 inspections process;

2-17 (16) adopt a policy for gathering and distributing to  
2-18 jails under the commission's jurisdiction information regarding:

2-19 (A) common issues concerning jail  
2-20 administration;

2-21 (B) examples of successful strategies for  
2-22 maintaining compliance with state law and the rules, standards, and  
2-23 procedures of the commission; and

2-24 (C) solutions to operational challenges for  
2-25 jails;

2-26 (17) report to the Texas Correctional Office on  
2-27 Offenders with Medical or Mental Impairments on a jail's compliance  
2-28 with Article 16.22, Code of Criminal Procedure;

2-29 (18) adopt reasonable rules and procedures  
2-30 establishing minimum requirements for jails to:

2-31 (A) determine if a prisoner is pregnant; and

2-32 (B) ensure that the jail's health services plan  
2-33 addresses medical and mental health care, including nutritional  
2-34 requirements, and any special housing or work assignment needs for  
2-35 persons who are confined in the jail and are known or determined to  
2-36 be pregnant; ~~and~~

2-37 (19) provide guidelines to sheriffs regarding  
2-38 contracts between a sheriff and another entity for the provision of  
2-39 food services to or the operation of a commissary in a jail under  
2-40 the commission's jurisdiction, including specific provisions  
2-41 regarding conflicts of interest and avoiding the appearance of  
2-42 impropriety; and

2-43 (20) adopt reasonable rules and procedures  
2-44 establishing minimum standards for prisoner visitation that  
2-45 provide each prisoner at a county jail with a minimum of two  
2-46 in-person, noncontact visitation periods per week of at least 20  
2-47 minutes duration each.

2-48 (a-1) A county jail that as of September 1, 2015, has  
2-49 incurred significant design, engineering, or construction costs to  
2-50 provide prisoner visitation that does not comply with a rule or  
2-51 procedure adopted under Subsection (a)(20), or does not have the  
2-52 physical plant capability to provide the in-person prisoner  
2-53 visitation required by a rule or procedure adopted under Subsection  
2-54 (a)(20), is not required to comply with any commission rule or  
2-55 procedure adopted under Subsection (a)(20).

2-56 (a-2) A commission rule or procedure adopted under  
2-57 Subsection (a)(20) may not restrict the authority of a county jail  
2-58 under the commission's rules in effect on September 1, 2015, to  
2-59 limit prisoner visitation for disciplinary reasons.

2-60 SECTION 2. The Commission on Jail Standards shall establish  
2-61 the specific standards as required by Section 511.009(a)(20),  
2-62 Government Code, as added by this Act, not later than January 1,  
2-63 2016.

2-64 SECTION 3. This Act takes effect September 1, 2015.

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