

By: White

H.B. No. 418

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain duties of the Commission on Jail Standards
3 regarding guidelines for the transportation of inmates by private
4 vendors.

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

6 SECTION 1. Section 511.009(a), Government Code, as amended
7 by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts
8 of the 84th Legislature, Regular Session, 2015, is reenacted and
9 amended to read as follows:

10 (a) The commission shall:

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

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

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

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

23 (5) revise, amend, or change rules and procedures if
24 necessary;

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

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

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

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

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

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

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

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

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

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

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

16 (A) common issues concerning jail
17 administration;

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

21 (C) solutions to operational challenges for
22 jails;

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

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

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

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

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

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

18 (21) ~~[(20)]~~ require the sheriff of each county to:

19 (A) investigate and verify the veteran status of
20 each prisoner by using data made available from the Veterans
21 Reentry Search Service (VRSS) operated by the United States
22 Department of Veterans Affairs or a similar service; and

23 (B) use the data described by Paragraph (A) to
24 assist prisoners who are veterans in applying for federal benefits
25 or compensation for which the prisoners may be eligible under a
26 program administered by the United States Department of Veterans
27 Affairs;

1 (22) [~~20~~] adopt reasonable rules and procedures
2 regarding visitation of a prisoner at a county jail by a guardian,
3 as defined by Section [1002.012](#), Estates Code, that:

4 (A) allow visitation by a guardian to the same
5 extent as the prisoner's next of kin, including placing the
6 guardian on the prisoner's approved visitors list on the guardian's
7 request and providing the guardian access to the prisoner during a
8 facility's standard visitation hours if the prisoner is otherwise
9 eligible to receive visitors; and

10 (B) require the guardian to provide the sheriff
11 with letters of guardianship issued as provided by Section
12 [1106.001](#), Estates Code, before being allowed to visit the prisoner;
13 and

14 (23) in consultation with interested parties, adopt
15 reasonable rules and procedures establishing minimum guidelines
16 for the transportation of inmates by a private vendor other than a
17 private vendor that is registered with the Federal Motor Carrier
18 Safety Administration.

19 SECTION 2. The Commission on Jail Standards shall establish
20 the guidelines required by Section [511.009](#)(a)(23), Government
21 Code, as added by this Act, not later than January 1, 2018.

22 SECTION 3. To the extent of any conflict, this Act prevails
23 over another Act of the 85th Legislature, Regular Session, 2017,
24 relating to nonsubstantive additions to and corrections in enacted
25 codes.

26 SECTION 4. This Act takes effect September 1, 2017.