

By: Blanco

H.B. No. 4259

A BILL TO BE ENTITLED

AN ACT

relating to training and standards applicable to the confinement of a female prisoner having a mental illness.

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

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

1 consultation on and technical assistance for county jails;

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

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

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

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

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

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

27 (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

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

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

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

17 (21) ~~[(20)]~~ require the sheriff of each county to:

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

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

27 (22) ~~[(20)]~~ adopt reasonable rules and procedures

1 regarding visitation of a prisoner at a county jail by a guardian,  
2 as defined by Section 1002.012, Estates Code, that:

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

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

13 (23) adopt reasonable rules and procedures:

14 (A) establishing minimum standards regarding  
15 confinement conditions for and supervision and treatment of female  
16 prisoners having or suspected of having a mental illness, including  
17 appropriate methods of communicating with the prisoner; and

18 (B) requiring the jail's health services plan to  
19 address mental health issues specific to female prisoners.

20 SECTION 2. Section 1701.310(a), Occupations Code, is  
21 amended to read as follows:

22 (a) Except as provided by Subsection (e), a person may not  
23 be appointed as a county jailer, except on a temporary basis, unless  
24 the person has satisfactorily completed a preparatory training  
25 program, as required by the commission, in the operation of a county  
26 jail at a school operated or licensed by the commission. The  
27 training program must include instruction regarding mental health

1 issues specific to female prisoners, including appropriate methods  
2 of communication with a female prisoner having or suspected of  
3 having a mental illness.

4 SECTION 3. Section 1701.352, Occupations Code, is amended  
5 by adding Subsection (e-1) to read as follows:

6 (e-1) If the commission requires under Subsection (e) that  
7 education and training be provided to county jailers, the  
8 commission shall require the education and training to include  
9 instruction regarding mental health issues specific to female  
10 prisoners, including appropriate methods of communication with a  
11 female prisoner having or suspected of having a mental illness.

12 SECTION 4. Not later than January 1, 2018, the Commission on  
13 Jail Standards shall adopt the rules and procedures required by  
14 Section 511.009(a)(23), Government Code, as added by this Act.

15 SECTION 5. Section 1701.310(a), Occupations Code, as  
16 amended by this Act, applies only to a person appointed as a county  
17 jailer on or after January 1, 2018. A person appointed as a county  
18 jailer before January 1, 2018, is governed by the law in effect on  
19 the date the person was appointed, and the former law is continued  
20 in effect for that purpose.

21 SECTION 6. To the extent of any conflict, this Act prevails  
22 over another Act of the 85th Legislature, Regular Session, 2017,  
23 relating to nonsubstantive additions to and corrections in enacted  
24 codes.

25 SECTION 7. This Act takes effect September 1, 2017.