

## **BILL ANALYSIS**

Senate Research Center  
86R14047 JON-D

H.B. 3116  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Individuals with intellectual and/or developmental disabilities (IDD) are overrepresented in the criminal justice system and are falling through the cracks. However currently, Texas is without standards on how to support an individual with IDD if they are arrested and detained.

H.B. 3116 would guide the creation of best practices to be implemented by local and county jails so that when an individual with IDD is detained, they would receive fair and reasonable accommodations and have better access to justice.

Records show that individuals with IDD make up approximately two percent of the general population, yet they represent as much as 10 percent of the jail and prison population. Additionally, people with IDD are more likely than their similarly situated, non-disabled peers to be arrested, convicted, incarcerated, and serve longer sentences without equal opportunity for probation or parole. Training to identify, support, and communicate with people with IDD is sparse. For example, even the intake forms that those arrested are required to complete do not adequately accommodate individuals with IDD. These factors can lead to negative outcomes for people with IDD when they encounter the criminal justice system.

The IDD population has unique characteristics and support needs that require special attention and when gone unrecognized, can lead to unintended outcomes for both the individual and the jail where they are detained.

H.B. 3116 would create a stakeholder taskforce to study and develop best practices on the procedures, treatment, and proper support needed for persons arrested and detained who are found to have IDD. The taskforce would submit a report to the governor, lieutenant governor, speaker of the house of representatives and legislature prior to the 2021 legislative session.

H.B. 3116 amends current law relating to the establishment of a task force to conduct a comprehensive study on best practice standards for the detention of persons with intellectual and developmental disabilities.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. (a) Defines "task force" to mean the task force on best practice standards for the detention of persons with intellectual and developmental disabilities (IDD) established under this section.

(b) Provides that the task force is established to conduct a comprehensive study on best practice standards for the detention of a person with an IDD. Requires the study to identify and make recommendations regarding the following with respect to the detention of persons with IDD:

- (1) current policies and procedures;

- (2) barriers to accommodations and justice;
- (3) best practices used in other states;
- (4) policies that would improve jail standards; and
- (5) any other issue the task force considers appropriate.

(c) Requires the Texas Commission on Jail Standards (TCJS) to appoint the members of the task force. Requires the task force to include at least:

- (1) one representative of TCJS;
- (2) one representative of a statewide organization that advocates for individuals with IDD;
- (3) one representative of a city or county governmental agency that supports persons with IDD;
- (4) one representative of a city or county governmental agency that provides mental health services;
- (5) one representative of a statewide organization that represents municipalities;
- (6) one representative of a statewide organization that represents corrections professionals;
- (7) one representative of a law enforcement entity; and
- (8) one representative of a county jail.

(d) Provides that the member appointed under Subsection (c)(1) of this section serves as the presiding officer of the task force.

(e) Requires the task force to prepare a written report that includes:

- (1) a description of the activities of the task force;
- (2) the findings and recommendations of the task force;
- (3) a plan for how the best practice standards identified by the task force can be implemented statewide;
- (4) any proposals for legislation; and
- (5) any other matter the task force considers appropriate.

(f) Requires the task force, not later than December 1, 2020, to submit the report prepared under this section to:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives; and
- (4) the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over issues relating to criminal justice.

(g) Requires TCJS to make the report available to the public on the commission's Internet website.

(h) Provides that the task force is abolished and this Act expires September 1, 2021.

SECTION 2. Effective date: September 1, 2019.