

BILL ANALYSIS

C.S.H.B. 4468
By: Coleman
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that there is room for improvement in a number of areas relating to counties, such as conditions in a county jail and the awarding of community collaborative grants. C.S.H.B. 4468 seeks to make improvements by setting out provisions relating to county jails and community mental health programs in certain counties.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Commission on Jail Standards in SECTIONS 3 and 7 of this bill.

ANALYSIS

C.S.H.B. 4468 amends the Government Code, with respect to the reasonable rules and procedures the Commission on Jail Standards (TCJS) is required to adopt to ensure the safety of prisoners that require a county jail to give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day, to specify that such access may be at the jail or through a telemental health service and that if a mental health professional is not at the county jail at the time the rules and procedures then require the jail to use all reasonable efforts to arrange for the inmate to have access to a mental health professional within a reasonable time. The bill requires TCJS, not later than January 1, 2020, to update rules and procedures as necessary to comply with these provisions of the bill.

C.S.H.B. 4468 requires the compliance status of a facility operated by a private entity under certain Local Government Code provisions to be reviewed at the next TCJS meeting if a notice of non-compliance is issued to the facility. The bill increases from 96 prisoners to 288 prisoners the maximum capacity of a county jail for which TCJS may provide a grant from the prisoner safety fund to a county for applicable capital improvements.

C.S.H.B. 4468 provides for the leveraging of in-kind contributions from private sources as an alternative to the required leveraging of additional funding from such sources for the recipient of a community collaborative grant. The bill authorizes the Department of State Health Services to award a grant to an entity for the purpose of establishing a community mental health program in a county with a population of less than 250,000 if the entity leverages additional funding from private sources in an amount equal to one-quarter of the amount of the grant to be awarded and the entity otherwise meets certain requirements.

C.S.H.B. 4468 amends the Occupations Code to require a county jailer appointed on a temporary basis to be enrolled in the preparatory training program for county jailers on or before the 90th

day after the temporary appointment. The bill removes the authorization for a sheriff to petition the Texas Commission on Law Enforcement for reinstatement to a temporary appointment of a person who failed to satisfactorily complete the preparatory training program. The bill prohibits a county jailer appointed on a temporary basis from being promoted to a supervisory position in a county jail.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4468 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the bill's provisions relating to the reasonable rules and procedures TCJS is required to adopt to ensure the safety of prisoners that require a county jail to give prisoners the ability to access mental health care. The substitute includes a provision regarding a notice of non-compliance issued to certain facilities operated by a private entity. The substitute changes the bill's community collaborative grant provisions.

The substitute does not include provisions relating to a program to prevent the spread of certain infectious or communicable diseases and a program to reduce risk of certain communicable diseases.

The substitute includes provisions relating to temporary county jailers.