

1-1 By: White, et al. (Senate Sponsor - Whitmire) H.B. No. 650
1-2 (In the Senate - Received from the House April 11, 2019;
1-3 April 15, 2019, read first time and referred to Committee on State
1-4 Affairs; April 16, 2019, rereferred to Committee on Criminal
1-5 Justice; May 2, 2019, reported adversely, with favorable Committee
1-6 Substitute by the following vote: Yeas 7, Nays 0; May 2, 2019, sent
1-7 to printer.)

1-8 COMMITTEE VOTE

1-9		Yea	Nay	Absent	PNV
1-10	<u>Whitmire</u>	X			
1-11	<u>Huffman</u>	X			
1-12	<u>Buckingham</u>	X			
1-13	<u>Flores</u>	X			
1-14	<u>Hughes</u>	X			
1-15	<u>Miles</u>	X			
1-16	<u>Perry</u>	X			

1-17 COMMITTEE SUBSTITUTE FOR H.B. No. 650 By: Whitmire

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to inmates of the Texas Department of Criminal Justice.
1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-22 SECTION 1. Chapter 493, Government Code, is amended by
1-23 adding Section 493.032 to read as follows:
1-24 Sec. 493.032. CORRECTIONAL OFFICER TRAINING RELATED TO
1-25 PREGNANT INMATES. (a) The department shall provide training
1-26 relating to medical and mental health care issues applicable to
1-27 pregnant inmates to:
1-28 (1) each correctional officer employed by the
1-29 department at a facility in which female inmates are confined; and
1-30 (2) any other department employee whose duties involve
1-31 contact with pregnant inmates.
1-32 (b) The training must include information regarding:
1-33 (1) appropriate care for pregnant inmates; and
1-34 (2) the impact on a pregnant inmate and the inmate's
1-35 unborn child of:
1-36 (A) the use of restraints;
1-37 (B) placement in administrative segregation; and
1-38 (C) invasive searches.
1-39 SECTION 2. Subchapter A, Chapter 501, Government Code, is
1-40 amended by adding Section 501.0101 to read as follows:
1-41 Sec. 501.0101. STUDY OF VISITATION POLICIES; REPORT. (a)
1-42 The department shall conduct a study of the effect of the
1-43 department's visitation policies under Sections 501.010 and
1-44 507.030 on the relationships between inmates or defendants and
1-45 their children. In conducting the study, the department shall:
1-46 (1) review:
1-47 (A) evidence-based visitation practices that
1-48 enhance parental bonding and engagement; and
1-49 (B) age-appropriate visitation activities for
1-50 children that enhance cognitive and motor skills; and
1-51 (2) consider implementing changes to the policies to
1-52 strengthen the relationships between inmates or defendants and
1-53 their children.
1-54 (b) Not later than December 31, 2020, the department shall
1-55 report the results of the study to the governor, the lieutenant
1-56 governor, the speaker of the house of representatives, and the
1-57 standing legislative committees with primary jurisdiction over the
1-58 department.
1-59 (c) This section expires February 1, 2021.
1-60 SECTION 3. Subchapter A, Chapter 501, Government Code, is

2-1 amended by adding Sections 501.0215 and 501.026 to read as follows:
2-2 Sec. 501.0215. EDUCATIONAL PROGRAMMING FOR PREGNANT
2-3 INMATES. The department shall develop and provide to each pregnant
2-4 inmate educational programming relating to pregnancy and
2-5 parenting. The programming must include instruction regarding:

- 2-6 (1) appropriate prenatal care and hygiene;
- 2-7 (2) the effects of prenatal exposure to alcohol and
- 2-8 drugs on a developing fetus;
- 2-9 (3) parenting skills; and
- 2-10 (4) medical and mental health issues applicable to
- 2-11 children.

2-12 Sec. 501.026. LIMITATION ON CERTAIN SEARCHES. The
2-13 department shall adopt a policy regarding a search of any room or
2-14 other area that occurs while a female inmate who is not fully
2-15 clothed is present in the room or area. The policy must:

- 2-16 (1) require that the search be conducted by a female
- 2-17 correctional officer if one is available;
- 2-18 (2) include staffing procedures to ensure the
- 2-19 availability of female officers; and
- 2-20 (3) provide that if it is necessary for a male
- 2-21 correctional officer to conduct the search, the officer must submit
- 2-22 a written report explaining the reasons for the search to the warden
- 2-23 not later than 72 hours after the search.

2-24 SECTION 4. Section 501.066(a), Government Code, is amended
2-25 to read as follows:

2-26 (a) The department may not place [use] restraints around the
2-27 ankles, legs, or waist [~~to control the movement~~] of a pregnant woman
2-28 in the custody of the department at any time after the woman's
2-29 pregnancy has been confirmed by a medical professional [~~during~~
2-30 which the woman is in labor or delivery or recovering from
2-31 delivery], unless the director, the [~~or~~] director's designee, or a
2-32 medical professional determines that the use of restraints is
2-33 necessary based on a reasonable belief that the [~~to:~~

- 2-34 [~~(1) ensure the safety and security of the~~] woman will
- 2-35 harm herself, [~~or~~] her unborn child or infant, or any other person
- 2-36 [~~department or medical personnel, or any member of the public,~~] or
- 2-37 [~~(2) prevent a substantial risk that the woman~~] will
- 2-38 attempt escape.

2-39 SECTION 5. Subchapter B, Chapter 501, Government Code, is
2-40 amended by adding Sections 501.0665, 501.0666, 501.0667, 501.0675,
2-41 and 501.070 to read as follows:

2-42 Sec. 501.0665. CERTAIN INVASIVE SEARCHES PROHIBITED. (a)
2-43 Except as provided by Subsection (b), any invasive body cavity
2-44 search of a pregnant inmate shall be conducted by a medical
2-45 professional.

2-46 (b) A correctional officer may conduct an invasive body
2-47 cavity search of a pregnant inmate only if the officer has a
2-48 reasonable belief that the inmate is concealing contraband. An
2-49 officer who conducts a search described by this section shall
2-50 submit a written report to the warden not later than 72 hours after
2-51 the search. The report must:

- 2-52 (1) explain the reasons for the search; and
- 2-53 (2) identify any contraband recovered in the search.

2-54 Sec. 501.0666. NUTRITION REQUIREMENTS FOR PREGNANT
2-55 INMATES. The department shall ensure that pregnant inmates are
2-56 provided sufficient food and dietary supplements, including
2-57 prenatal vitamins, as ordered by an appropriate medical
2-58 professional.

2-59 Sec. 501.0667. INMATE POSTPARTUM RECOVERY REQUIREMENTS.
2-60 (a) The department shall ensure that, for a period of 72 hours
2-61 after the birth of an infant by an inmate:

- 2-62 (1) the infant is allowed to remain with the inmate,
- 2-63 unless a medical professional determines doing so would pose a
- 2-64 health or safety risk to the inmate or infant; and
- 2-65 (2) the inmate has access to any nutritional or
- 2-66 hygiene-related products necessary to care for the infant,
- 2-67 including diapers.

2-68 (b) The department shall make the items described by Section
2-69 (a)(2) available free of charge to an indigent inmate.

3-1 Sec. 501.0675. PROVISION OF FEMININE HYGIENE PRODUCTS. (a)
 3-2 In this section, "feminine hygiene product" means:
 3-3 (1) a regular or large size tampon with applicator;
 3-4 (2) a regular or large size sanitary napkin or
 3-5 menstrual pad with wings;
 3-6 (3) a regular size panty liner; or
 3-7 (4) any other similar item sold for the principal
 3-8 purpose of feminine hygiene in connection with the menstrual cycle.
 3-9 (b) On request of a female inmate, the department shall
 3-10 provide free of charge to the inmate up to 10 feminine hygiene
 3-11 products per day that comply with applicable federal standards for
 3-12 comfort, effectiveness, and safety.

3-13 Sec. 501.070. TRAUMA HISTORY SCREENING. The department
 3-14 shall:
 3-15 (1) screen each female inmate during the diagnostic
 3-16 process to determine whether the inmate has experienced adverse
 3-17 childhood experiences or other significant trauma; and
 3-18 (2) refer the inmate as needed to the appropriate
 3-19 medical or mental health care professional for treatment.

3-20 SECTION 6. Subchapter D, Chapter 501, Government Code, is
 3-21 amended by adding Section 501.114 to read as follows:

3-22 Sec. 501.114. HOUSING REQUIREMENTS APPLICABLE TO PREGNANT
 3-23 INMATES. (a) The department may not place in administrative
 3-24 segregation an inmate who is pregnant or who gave birth during the
 3-25 preceding 30 days unless the director or director's designee
 3-26 determines that the placement is necessary based on a reasonable
 3-27 belief that the inmate will harm herself, her unborn child or
 3-28 infant, or any other person or will attempt escape.

3-29 (b) The department may not assign a pregnant inmate to any
 3-30 bed that is elevated more than three feet above the floor.

3-31 SECTION 7. As soon as practicable after the effective date
 3-32 of this Act, but not later than December 1, 2019, the Texas
 3-33 Department of Criminal Justice shall adopt rules and policies
 3-34 necessary to implement this Act.

3-35 SECTION 8. This Act takes effect September 1, 2019.

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