

By: Romero, Jr., Sherman, Sr.

H.B. No. 3311

Substitute the following for H.B. No. 3311:

By: Flynn

C.S.H.B. No. 3311

A BILL TO BE ENTITLED

AN ACT

relating to the verification of the veteran status of inmates and prisoners.

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

SECTION 1. Section 501.024(b), Government Code, is amended to read as follows:

(b) The department shall:

(1) in consultation with the Texas Veterans Commission, investigate and verify the veteran status of each inmate by using the best available federal data; and

(2) use the data described by Subdivision (1) to assist inmates who are veterans in applying for federal benefits or compensation for which the inmates may be eligible under a program administered by the United States Department of Veterans Affairs, including mailing any related paperwork, application, or other correspondence on behalf of and at no charge to the inmate.

SECTION 2. Section 511.009(a), Government Code, is 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

1 of prisoners;

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

5 (4) adopt reasonable rules and procedures
6 establishing minimum requirements for programs of rehabilitation,
7 education, and recreation in county jails;

8 (5) revise, amend, or change rules and procedures if
9 necessary;

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

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

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

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

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

1 (11) adopt rules relating to requirements for
2 segregation of classes of inmates and to capacities for county
3 jails;

4 (12) require that the chief jailer of each municipal
5 lockup 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 lockup, including all information
8 necessary to determine compliance with state law concerning secure
9 confinement of children in municipal lockups;

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

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

19 (15) schedule announced and unannounced inspections
20 of jails under the commission's jurisdiction using the risk
21 assessment plan established under Section [511.0085](#) to guide the
22 inspections process;

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

25 (A) common issues concerning jail
26 administration;

27 (B) examples of successful strategies for

1 maintaining compliance with state law and the rules, standards, and
2 procedures of the commission; and

3 (C) solutions to operational challenges for
4 jails;

5 (17) report to the Texas Correctional Office on
6 Offenders with Medical or Mental Impairments on a jail's compliance
7 with Article 16.22, Code of Criminal Procedure;

8 (18) adopt reasonable rules and procedures
9 establishing minimum requirements for jails to:

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

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

16 (19) provide guidelines to sheriffs regarding
17 contracts between a sheriff and another entity for the provision of
18 food services to or the operation of a commissary in a jail under
19 the commission's jurisdiction, including specific provisions
20 regarding conflicts of interest and avoiding the appearance of
21 impropriety;

22 (20) adopt reasonable rules and procedures
23 establishing minimum standards for prisoner visitation that
24 provide each prisoner at a county jail with a minimum of two
25 in-person, noncontact visitation periods per week of at least 20
26 minutes duration each;

27 (21) require the sheriff of each county to:

1 (A) investigate and verify the veteran status of
2 each prisoner during the intake process by using data made
3 available from the Veterans Reentry Search Service (VRSS) operated
4 by the United States Department of Veterans Affairs or a similar
5 service; and

6 (B) use the data described by Paragraph (A) to
7 assist prisoners who are veterans in applying for federal benefits
8 or compensation for which the prisoners may be eligible under a
9 program administered by the United States Department of Veterans
10 Affairs, including providing the prisoner on verification of the
11 prisoner's veteran status with a prepaid postcard that is supplied
12 by the Texas Veterans Commission for purposes of requesting
13 assistance in applying for veterans benefits;

14 (22) adopt reasonable rules and procedures regarding
15 visitation of a prisoner at a county jail by a guardian, as defined
16 by Section 1002.012, Estates Code, that:

17 (A) allow visitation by a guardian to the same
18 extent as the prisoner's next of kin, including placing the
19 guardian on the prisoner's approved visitors list on the guardian's
20 request and providing the guardian access to the prisoner during a
21 facility's standard visitation hours if the prisoner is otherwise
22 eligible to receive visitors; and

23 (B) require the guardian to provide the sheriff
24 with letters of guardianship issued as provided by Section
25 1106.001, Estates Code, before being allowed to visit the prisoner;
26 and

27 (23) adopt reasonable rules and procedures to ensure

1 the safety of prisoners, including rules and procedures that
2 require a county jail to:

3 (A) give prisoners the ability to access a mental
4 health professional at the jail through a telemental health service
5 24 hours a day;

6 (B) give prisoners the ability to access a health
7 professional at the jail or through a telehealth service 24 hours a
8 day or, if a health professional is unavailable at the jail or
9 through a telehealth service, provide for a prisoner to be
10 transported to access a health professional; and

11 (C) if funding is available under Section
12 [511.019](#), install automated electronic sensors or cameras to ensure
13 accurate and timely in-person checks of cells or groups of cells
14 confining at-risk individuals.

15 SECTION 3. This Act takes effect September 1, 2019.