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H.B. No. 4468

A BILL TO BE ENTITLED

1 AN ACT
2 relating to county jails and community mental health programs in
3 certain counties.

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

5 SECTION 1. Section 511.009(a), Government Code, is amended
6 to read as follows:

7 (a) The commission shall:

8 (1) adopt reasonable rules and procedures
9 establishing minimum standards for the construction, equipment,
10 maintenance, and operation of county jails;

11 (2) adopt reasonable rules and procedures
12 establishing minimum standards for the custody, care, and treatment
13 of prisoners;

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

17 (4) adopt reasonable rules and procedures
18 establishing minimum requirements for programs of rehabilitation,
19 education, and recreation in county jails;

20 (5) revise, amend, or change rules and procedures if
21 necessary;

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

24 (7) review and comment on plans for the construction

1 and major modification or renovation of county jails;

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

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

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

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

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

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

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

7 (15) schedule announced and unannounced inspections
8 of jails under the commission's jurisdiction using the risk
9 assessment plan established under Section [511.0085](#) to guide the
10 inspections process;

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

13 (A) common issues concerning jail
14 administration;

15 (B) examples of successful strategies for
16 maintaining compliance with state law and the rules, standards, and
17 procedures of the commission; and

18 (C) solutions to operational challenges for
19 jails;

20 (17) report to the Texas Correctional Office on
21 Offenders with Medical or Mental Impairments on a jail's compliance
22 with Article [16.22](#), Code of Criminal Procedure;

23 (18) adopt reasonable rules and procedures
24 establishing minimum requirements for jails to:

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

26 (B) ensure that the jail's health services plan
27 addresses medical and mental health care, including nutritional

1 requirements, and any special housing or work assignment needs for
2 persons who are confined in the jail and are known or determined to
3 be pregnant;

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

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

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

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

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

25 (22) adopt reasonable rules and procedures regarding
26 visitation of a prisoner at a county jail by a guardian, as defined
27 by Section [1002.012](#), Estates Code, that:

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

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

11 (23) adopt reasonable rules and procedures to ensure
12 the safety of prisoners, including rules and procedures that
13 require a county jail to:

14 (A) give prisoners the ability to access a mental
15 health professional at the jail or through a telemental health
16 service 24 hours a day or, if a mental health professional is not at
17 the county jail at the time, then require the jail to use all
18 reasonable efforts to arrange for the inmate to have access to a
19 mental health professional within a reasonable time;

20 (B) give prisoners the ability to access a health
21 professional at the jail or through a telehealth service 24 hours a
22 day or, if a health professional is unavailable at the jail or
23 through a telehealth service, provide for a prisoner to be
24 transported to access a health professional; and

25 (C) if funding is available under Section
26 [511.019](#), install automated electronic sensors or cameras to ensure
27 accurate and timely in-person checks of cells or groups of cells

1 confining at-risk individuals.

2 SECTION 2. Section 511.011, Government Code, is amended to
3 read as follows:

4 Sec. 511.011. REPORT ON NONCOMPLIANCE. (a) If the
5 commission finds that a county jail does not comply with state law,
6 including Chapter 89, Health and Safety Code, or the rules,
7 standards, or procedures of the commission, it shall report the
8 noncompliance to the county commissioners and sheriff of the county
9 responsible for the county jail and shall send a copy of the report
10 to the governor.

11 (b) If a notice of noncompliance is issued to a facility
12 operated by a private entity under Section 351.101 or 361.061,
13 Local Government Code, the compliance status of the facility shall
14 be reviewed at the next meeting of the Commission on Jail Standards.

15 SECTION 3. Section 511.019(d), Government Code, is amended
16 to read as follows:

17 (d) The commission by rule may establish a grant program to
18 provide grants to counties to fund capital improvements described
19 by Subsection (c). The commission may only provide a grant to a
20 county for capital improvements to a county jail with a capacity of
21 not more than 288 [~~96~~] prisoners.

22 SECTION 4. Section 539.002, Government Code, is amended by
23 amending Subsection (b) and adding Subsection (c) to read as
24 follows:

25 (b) Except as provided by Subsection (c), the [~~The~~]
26 department shall require each entity awarded a grant under this
27 section to:

1 (1) leverage additional funding or in-kind
2 contributions from private sources in an amount that is at least
3 equal to the amount of the grant awarded under this section;

4 (2) provide evidence of significant coordination and
5 collaboration between the entity, local mental health authorities,
6 municipalities, local law enforcement agencies, and other
7 community stakeholders in establishing or expanding a community
8 collaborative funded by a grant awarded under this section; and

9 (3) provide evidence of a local law enforcement policy
10 to divert appropriate persons from jails or other detention
11 facilities to an entity affiliated with a community collaborative
12 for the purpose of providing services to those persons.

13 (c) The department may award a grant under this chapter to
14 an entity for the purpose of establishing a community mental health
15 program in a county with a population of less than 250,000, if the
16 entity leverages additional funding from private sources in an
17 amount equal to one-quarter of the amount of the grant to be awarded
18 under this section, and the entity otherwise meets the requirements
19 of Subsections (b)(2) and (3).

20 SECTION 5. Section 1701.310(b), Occupations Code, is
21 amended to read as follows:

22 (b) A county jailer appointed on a temporary basis who does
23 not satisfactorily complete the preparatory training program
24 before the first anniversary of the date that the person is
25 appointed shall be removed from the position. A county jailer
26 appointed on a temporary basis shall be enrolled in the preparatory
27 training program on or before the 90th day after their temporary

1 appointment. A temporary appointment may not be renewed[, ~~except~~
2 ~~that not earlier than the first anniversary of the date that a~~
3 ~~person is removed under this subsection, the sheriff may petition~~
4 ~~the commission for reinstatement of the person to a temporary~~
5 ~~appointment].~~

6 SECTION 6. Section 1701.310, Occupations Code, is amended
7 by adding Subsection (f) to read as follows:

8 (f) A county jailer appointed on a temporary basis may not
9 be promoted to a supervisory position in a county jail.

10 SECTION 7. Not later than January 1, 2020, the Commission on
11 Jail Standards shall update rules and procedures as necessary to
12 comply with Section 511.009(a)(23), Government Code, as amended by
13 this Act.

14 SECTION 8. This Act takes effect September 1, 2019.