

1-1 By: Coleman, Davis of Dallas, Collier H.B. No. 4468
 1-2 (Senate Sponsor - Whitmire)
 1-3 (In the Senate - Received from the House May 13, 2019;
 1-4 May 13, 2019, read first time and referred to Committee on Criminal
 1-5 Justice; May 17, 2019, reported favorably by the following vote:
 1-6 Yeas 6, Nays 0; May 17, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to county jails and community mental health programs in
 1-19 certain counties.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 511.009(a), Government Code, is amended
 1-22 to read as follows:

1-23 (a) The commission shall:

1-24 (1) adopt reasonable rules and procedures
 1-25 establishing minimum standards for the construction, equipment,
 1-26 maintenance, and operation of county jails;

1-27 (2) adopt reasonable rules and procedures
 1-28 establishing minimum standards for the custody, care, and treatment
 1-29 of prisoners;

1-30 (3) adopt reasonable rules establishing minimum
 1-31 standards for the number of jail supervisory personnel and for
 1-32 programs and services to meet the needs of prisoners;

1-33 (4) adopt reasonable rules and procedures
 1-34 establishing minimum requirements for programs of rehabilitation,
 1-35 education, and recreation in county jails;

1-36 (5) revise, amend, or change rules and procedures if
 1-37 necessary;

1-38 (6) provide to local government officials
 1-39 consultation on and technical assistance for county jails;

1-40 (7) review and comment on plans for the construction
 1-41 and major modification or renovation of county jails;

1-42 (8) require that the sheriff and commissioners of each
 1-43 county submit to the commission, on a form prescribed by the
 1-44 commission, an annual report on the conditions in each county jail
 1-45 within their jurisdiction, including all information necessary to
 1-46 determine compliance with state law, commission orders, and the
 1-47 rules adopted under this chapter;

1-48 (9) review the reports submitted under Subdivision (8)
 1-49 and require commission employees to inspect county jails regularly
 1-50 to ensure compliance with state law, commission orders, and rules
 1-51 and procedures adopted under this chapter;

1-52 (10) adopt a classification system to assist sheriffs
 1-53 and judges in determining which defendants are low-risk and
 1-54 consequently suitable participants in a county jail work release
 1-55 program under Article 42.034, Code of Criminal Procedure;

1-56 (11) adopt rules relating to requirements for
 1-57 segregation of classes of inmates and to capacities for county
 1-58 jails;

1-59 (12) require that the chief jailer of each municipal
 1-60 lockup submit to the commission, on a form prescribed by the
 1-61 commission, an annual report of persons under 17 years of age

2-1 securely detained in the lockup, including all information
2-2 necessary to determine compliance with state law concerning secure
2-3 confinement of children in municipal lockups;
2-4 (13) at least annually determine whether each county
2-5 jail is in compliance with the rules and procedures adopted under
2-6 this chapter;
2-7 (14) require that the sheriff and commissioners court
2-8 of each county submit to the commission, on a form prescribed by the
2-9 commission, an annual report of persons under 17 years of age
2-10 securely detained in the county jail, including all information
2-11 necessary to determine compliance with state law concerning secure
2-12 confinement of children in county jails;
2-13 (15) schedule announced and unannounced inspections
2-14 of jails under the commission's jurisdiction using the risk
2-15 assessment plan established under Section 511.0085 to guide the
2-16 inspections process;
2-17 (16) adopt a policy for gathering and distributing to
2-18 jails under the commission's jurisdiction information regarding:
2-19 (A) common issues concerning jail
2-20 administration;
2-21 (B) examples of successful strategies for
2-22 maintaining compliance with state law and the rules, standards, and
2-23 procedures of the commission; and
2-24 (C) solutions to operational challenges for
2-25 jails;
2-26 (17) report to the Texas Correctional Office on
2-27 Offenders with Medical or Mental Impairments on a jail's compliance
2-28 with Article 16.22, Code of Criminal Procedure;
2-29 (18) adopt reasonable rules and procedures
2-30 establishing minimum requirements for jails to:
2-31 (A) determine if a prisoner is pregnant; and
2-32 (B) ensure that the jail's health services plan
2-33 addresses medical and mental health care, including nutritional
2-34 requirements, and any special housing or work assignment needs for
2-35 persons who are confined in the jail and are known or determined to
2-36 be pregnant;
2-37 (19) provide guidelines to sheriffs regarding
2-38 contracts between a sheriff and another entity for the provision of
2-39 food services to or the operation of a commissary in a jail under
2-40 the commission's jurisdiction, including specific provisions
2-41 regarding conflicts of interest and avoiding the appearance of
2-42 impropriety;
2-43 (20) adopt reasonable rules and procedures
2-44 establishing minimum standards for prisoner visitation that
2-45 provide each prisoner at a county jail with a minimum of two
2-46 in-person, noncontact visitation periods per week of at least 20
2-47 minutes duration each;
2-48 (21) require the sheriff of each county to:
2-49 (A) investigate and verify the veteran status of
2-50 each prisoner by using data made available from the Veterans
2-51 Reentry Search Service (VRSS) operated by the United States
2-52 Department of Veterans Affairs or a similar service; and
2-53 (B) use the data described by Paragraph (A) to
2-54 assist prisoners who are veterans in applying for federal benefits
2-55 or compensation for which the prisoners may be eligible under a
2-56 program administered by the United States Department of Veterans
2-57 Affairs;
2-58 (22) adopt reasonable rules and procedures regarding
2-59 visitation of a prisoner at a county jail by a guardian, as defined
2-60 by Section 1002.012, Estates Code, that:
2-61 (A) allow visitation by a guardian to the same
2-62 extent as the prisoner's next of kin, including placing the
2-63 guardian on the prisoner's approved visitors list on the guardian's
2-64 request and providing the guardian access to the prisoner during a
2-65 facility's standard visitation hours if the prisoner is otherwise
2-66 eligible to receive visitors; and
2-67 (B) require the guardian to provide the sheriff
2-68 with letters of guardianship issued as provided by Section
2-69 1106.001, Estates Code, before being allowed to visit the prisoner;

3-1 and

3-2 (23) adopt reasonable rules and procedures to ensure
3-3 the safety of prisoners, including rules and procedures that
3-4 require a county jail to:

3-5 (A) give prisoners the ability to access a mental
3-6 health professional at the jail or through a telemental health
3-7 service 24 hours a day or, if a mental health professional is not at
3-8 the county jail at the time, then require the jail to use all
3-9 reasonable efforts to arrange for the inmate to have access to a
3-10 mental health professional within a reasonable time;

3-11 (B) give prisoners the ability to access a health
3-12 professional at the jail or through a telehealth service 24 hours a
3-13 day or, if a health professional is unavailable at the jail or
3-14 through a telehealth service, provide for a prisoner to be
3-15 transported to access a health professional; and

3-16 (C) if funding is available under Section
3-17 511.019, install automated electronic sensors or cameras to ensure
3-18 accurate and timely in-person checks of cells or groups of cells
3-19 confining at-risk individuals.

3-20 SECTION 2. Section 511.011, Government Code, is amended to
3-21 read as follows:

3-22 Sec. 511.011. REPORT ON NONCOMPLIANCE. (a) If the
3-23 commission finds that a county jail does not comply with state law,
3-24 including Chapter 89, Health and Safety Code, or the rules,
3-25 standards, or procedures of the commission, it shall report the
3-26 noncompliance to the county commissioners and sheriff of the county
3-27 responsible for the county jail and shall send a copy of the report
3-28 to the governor.

3-29 (b) If a notice of noncompliance is issued to a facility
3-30 operated by a private entity under Section 351.101 or 361.061,
3-31 Local Government Code, the compliance status of the facility shall
3-32 be reviewed at the next meeting of the Commission on Jail Standards.

3-33 SECTION 3. Section 511.019(d), Government Code, is amended
3-34 to read as follows:

3-35 (d) The commission by rule may establish a grant program to
3-36 provide grants to counties to fund capital improvements described
3-37 by Subsection (c). The commission may only provide a grant to a
3-38 county for capital improvements to a county jail with a capacity of
3-39 not more than 288 [96] prisoners.

3-40 SECTION 4. Section 539.002, Government Code, is amended by
3-41 amending Subsection (b) and adding Subsection (c) to read as
3-42 follows:

3-43 (b) Except as provided by Subsection (c), the [The]
3-44 department shall require each entity awarded a grant under this
3-45 section to:

3-46 (1) leverage additional funding or in-kind
3-47 contributions from private sources in an amount that is at least
3-48 equal to the amount of the grant awarded under this section;

3-49 (2) provide evidence of significant coordination and
3-50 collaboration between the entity, local mental health authorities,
3-51 municipalities, local law enforcement agencies, and other
3-52 community stakeholders in establishing or expanding a community
3-53 collaborative funded by a grant awarded under this section; and

3-54 (3) provide evidence of a local law enforcement policy
3-55 to divert appropriate persons from jails or other detention
3-56 facilities to an entity affiliated with a community collaborative
3-57 for the purpose of providing services to those persons.

3-58 (c) The department may award a grant under this chapter to
3-59 an entity for the purpose of establishing a community mental health
3-60 program in a county with a population of less than 250,000, if the
3-61 entity leverages additional funding from private sources in an
3-62 amount equal to one-quarter of the amount of the grant to be awarded
3-63 under this section, and the entity otherwise meets the requirements
3-64 of Subsections (b)(2) and (3).

3-65 SECTION 5. Section 1701.310(b), Occupations Code, is
3-66 amended to read as follows:

3-67 (b) A county jailer appointed on a temporary basis who does
3-68 not satisfactorily complete the preparatory training program
3-69 before the first anniversary of the date that the person is

4-1 appointed shall be removed from the position. A county jailer
4-2 appointed on a temporary basis shall be enrolled in the preparatory
4-3 training program on or before the 90th day after their temporary
4-4 appointment. A temporary appointment may not be renewed~~[, except~~
4-5 ~~that not earlier than the first anniversary of the date that a~~
4-6 ~~person is removed under this subsection, the sheriff may petition~~
4-7 ~~the commission for reinstatement of the person to a temporary~~
4-8 ~~appointment].~~

4-9 SECTION 6. Section 1701.310, Occupations Code, is amended
4-10 by adding Subsection (f) to read as follows:

4-11 (f) A county jailer appointed on a temporary basis may not
4-12 be promoted to a supervisory position in a county jail.

4-13 SECTION 7. Not later than January 1, 2020, the Commission on
4-14 Jail Standards shall update rules and procedures as necessary to
4-15 comply with Section 511.009(a)(23), Government Code, as amended by
4-16 this Act.

4-17 SECTION 8. This Act takes effect September 1, 2019.

4-18 * * * * *