

SENATE AMENDMENTS

2nd Printing

By: Allen, Rosenthal, Wu, Ramos, Neave

H.B. No. 2169

A BILL TO BE ENTITLED

1 AN ACT

2 relating to reporting concerning female prisoners who are confined
3 in county jails and to the provision of feminine hygiene products to
4 female prisoners.

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

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

8 (a) The commission shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 this chapter;

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

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

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

14 (A) common issues concerning jail
15 administration;

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

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

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

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

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

27 (B) ensure that the jail's health services plan

1 addresses medical and mental health care, including nutritional
2 requirements, and any special housing or work assignment needs for
3 persons who are confined in the jail and are known or determined to
4 be pregnant;

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

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

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

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

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

26 (22) adopt reasonable rules and procedures regarding
27 visitation of a prisoner at a county jail by a guardian, as defined

1 by Section 1002.012, Estates Code, that:

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

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

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

15 (A) give prisoners the ability to access a mental
16 health professional at the jail through a telemental health service
17 24 hours a day;

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

23 (C) if funding is available under Section
24 511.019, install automated electronic sensors or cameras to ensure
25 accurate and timely in-person checks of cells or groups of cells
26 confining at-risk individuals; and

27 (24) adopt reasonable rules and procedures

establishing minimum standards for the quantity and quality of feminine hygiene products, including tampons in regular and large sizes with a plastic applicator and menstrual pads with wings in regular and large sizes, provided to a female prisoner.

SECTION 2. Section 511.0101(a), Government Code, is amended to read as follows:

(a) Each county shall submit to the commission on or before the fifth day of each month a report containing the following information:

(1) the number of prisoners confined in the county jail on the first day of the month, classified on the basis of the following categories:

- (A) total prisoners;
- (B) pretrial Class C misdemeanor offenders;
- (C) pretrial Class A and B misdemeanor offenders;
- (D) convicted misdemeanor offenders;
- (E) felony offenders whose penalty has been reduced to a misdemeanor;
- (F) pretrial felony offenders;
- (G) convicted felony offenders;
- (H) prisoners detained on bench warrants;
- (I) prisoners detained for parole violations;
- (J) prisoners detained for federal officers;
- (K) prisoners awaiting transfer to the institutional division of the Texas Department of Criminal Justice following conviction of a felony or revocation of probation, parole, or release on mandatory supervision and for whom paperwork

1 and processing required for transfer have been completed;

2 (L) prisoners detained after having been
3 transferred from another jail and for whom the commission has made a
4 payment under Subchapter F, Chapter 499, Government Code;

5 (M) prisoners for whom an immigration detainer
6 has been issued by United States Immigration and Customs
7 Enforcement; ~~and~~

8 (N) female prisoners; and

9 (O) other prisoners;

10 (2) the total capacity of the county jail on the first
11 day of the month;

12 (3) the total number of prisoners who were confined in
13 the county jail during the preceding month, based on a count
14 conducted on each day of that month, who were known or had been
15 determined to be pregnant;

16 (4) the total cost to the county during the preceding
17 month of housing prisoners described by Subdivision (1)(M),
18 calculated based on the average daily cost of housing a prisoner in
19 the county jail; and

20 (5) certification by the reporting official that the
21 information in the report is accurate.

22 SECTION 3. Not later than December 1, 2019, the Commission
23 on Jail Standards shall adopt the rules and procedures required by
24 Section 511.009(a)(24), Government Code, as added by this Act.

25 SECTION 4. A county shall submit the first report required
26 by Section 511.0101, Government Code, as amended by this Act, not
27 later than October 5, 2019.

1 SECTION 5. This Act takes effect September 1, 2019.

ADOPTED

MAY 21 2019

Leta Spaw
Secretary of the Senate

John Whitmire
By: SENATOR WHITMIRE

H.B. No. 2169

Substitute the following for H.B. No. 2169 :

By: SENATOR WHITMIRE

C.S. H.B. No. 2169

John Whitmire

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25 accurate and timely in-person checks of cells or groups of cells
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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 21, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2169 by Allen (Relating to reporting concerning female prisoners who are confined in county jails and to the provision of feminine hygiene products to female prisoners.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code as it relates to female offenders in county jails and the provision of certain hygiene products. According to the Texas Commission on Jail Standards, any additional work resulting from the provisions of the bill could be absorbed within the agency's existing recourses. The bill would take effect September 1, 2019.

Local Government Impact

According to Harris County, no significant fiscal impact on the Harris County Sheriff's Office is anticipated.

Source Agencies: 409 Commission on Jail Standards

LBB Staff: WP, SD, LBO, AF, AI, kvel

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 9, 2019

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2169 by Allen (relating to reporting concerning female prisoners who are confined in county jails and to the provision of feminine hygiene products to female prisoners.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

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Source Agencies: 409 Commission on Jail Standards

LBB Staff: WP, LBO, AF, AI, kvel

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 7, 2019

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2169 by Allen (Relating to reporting concerning female prisoners who are confined in county jails and to the provision of feminine hygiene products to female prisoners.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

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Source Agencies: 409 Commission on Jail Standards

LBB Staff: WP, LBO, AF, AI, kvel

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 27, 2019

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2169 by Allen (Relating to reporting concerning female prisoners who are confined in county jails and to the provision of feminine hygiene products to female prisoners.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code as it relates to female offenders in county jails and the provision of certain hygiene products. According to the Texas Commission on Jail Standards, any additional work resulting from the provisions of the bill could be absorbed within the agency's existing recourses. The bill would take effect September 1, 2019.

Local Government Impact

According to Harris County, no significant fiscal impact on the Harris County Sheriff's Office is anticipated.

Source Agencies: 409 Commission on Jail Standards

LBB Staff: WP, AF, AI, kvel