

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Howard, Johnson of Harris, Allen, White,  
et al.

H.B. No. 3227

A BILL TO BE ENTITLED

AN ACT

relating to a female inmate's access to programs offered to inmates  
of the Texas Department of Criminal Justice.

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

SECTION 1. Subchapter A, Chapter 501, Government Code, is  
amended by adding Section 501.026 to read as follows:

Sec. 501.026. ACCESS TO PROGRAMS BY FEMALE INMATES. (a)

The department shall develop and implement policies that increase  
and promote a female inmate's access to programs offered to inmates  
in the custody of the department, including educational,  
vocational, substance use treatment, rehabilitation, life skills  
training, and prerelease programs. The department may not reduce  
or limit a male inmate's access to a program to meet the  
requirements of this section.

(b) Not later than December 31 of each year, the department  
shall:

(1) prepare and submit to the governor, the lieutenant  
governor, the speaker of the house of representatives, each  
standing committee of the legislature having primary jurisdiction  
over the department, and the reentry task force described by  
Section 501.098 a written report that includes:

(A) a description of any department policies that  
were created, modified, or eliminated during the preceding year to  
meet the requirements of this section; and

1                   (B) a list of programs available to female  
2 inmates in the custody of the department during the preceding year;  
3 and  
4                   (2) publish the report on the department's Internet  
5 website.

6           SECTION 2. As soon as practicable after the effective date  
7 of this Act, the Texas Department of Criminal Justice shall develop  
8 and implement the policies required by Section 501.026, Government  
9 Code, as added by this Act.

10           SECTION 3. The Texas Department of Criminal Justice shall  
11 submit the first report required by Section 501.026, Government  
12 Code, as added by this Act, not later than December 31, 2020.

13           SECTION 4. This Act takes effect September 1, 2019.

ADOPTED

MAY 22 2019

*Leta Gaud*  
Secretary of the Senate

By: *Joan Huffman*  
SENATOR HUFFMAN

H.B. No. 3227

Substitute the following for H.B. No. 3227 :

By: \_\_\_\_\_

C.S.H.B. No. 3227

*John Whitman*

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the availability of and access to certain programs and  
3 services for persons in the custody of the Texas Department of  
4 Criminal Justice.

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

6 SECTION 1. Chapter 493, Government Code, is amended by  
7 adding Section 493.032 to read as follows:

8 Sec. 493.032. AVAILABILITY OF PEER SUPPORT SERVICES. (a)

9 The department shall adopt a policy to increase the availability of  
10 formal and informal peer support services, including certified peer  
11 specialist services, to a person confined in a facility operated by  
12 or under contract with the department, including a state jail  
13 felony facility, substance abuse felony punishment facility, or  
14 intermediate sanction facility.

15 (b) The policy adopted under Subsection (a) must:

16 (1) allow for persons who have previously been  
17 convicted of an offense, including releasees on parole or mandatory  
18 supervision and defendants on community supervision, to serve as  
19 certified peer specialists in a facility described by Subsection  
20 (a);

21 (2) specify the conditions under which a person  
22 described by Subdivision (1) may serve as a certified peer  
23 specialist; and

24 (3) allow for persons confined in a facility described

1 by Subsection (a) to serve in a peer support role, provided that the  
2 persons are trained and supervised by a community-based  
3 organization described by Subsection (c).

4 (c) In implementing the policy adopted under Subsection  
5 (a), the department shall:

6 (1) collaborate with community-based organizations  
7 that provide peer specialist training, including training in any of  
8 the following peer support specialties:

9 (A) certified peer specialist;

10 (B) certified peer reentry specialist;

11 (C) certified peer recovery specialist; or

12 (D) any other peer support specialty recognized

13 by the Health and Human Services Commission; and

14 (2) encourage and assist persons described by  
15 Subsection (b)(3), with particular emphasis on persons who have  
16 been involved with programs or services relating to substance abuse  
17 or behavioral health, to participate in training described by  
18 Subdivision (1).

19 SECTION 2. Subchapter A, Chapter 501, Government Code, is  
20 amended by adding Section 501.026 to read as follows:

21 Sec. 501.026. ACCESS TO PROGRAMS BY FEMALE INMATES. (a)  
22 The department shall develop and implement policies that increase  
23 and promote a female inmate's access to programs offered to inmates  
24 in the custody of the department, including educational,  
25 vocational, substance use treatment, rehabilitation, life skills  
26 training, and prerelease programs. The department may not reduce  
27 or limit a male inmate's access to a program to meet the

1 requirements of this section.

2 (b) Not later than December 31 of each year, the department  
3 shall:

4 (1) prepare and submit to the governor, the lieutenant  
5 governor, the speaker of the house of representatives, each  
6 standing committee of the legislature having primary jurisdiction  
7 over the department, and the reentry task force described by  
8 Section 501.098 a written report that includes:

9 (A) a description of any department policies that  
10 were created, modified, or eliminated during the preceding year to  
11 meet the requirements of this section; and

12 (B) a list of programs available to female  
13 inmates in the custody of the department during the preceding year;  
14 and

15 (2) publish the report on the department's Internet  
16 website.

17 SECTION 3. Not later than September 1, 2020, the Texas  
18 Department of Criminal Justice shall adopt and implement the policy  
19 required by Section 493.032, Government Code, as added by this Act.

20 SECTION 4. (a) As soon as practicable after the effective  
21 date of this Act, the Texas Department of Criminal Justice shall  
22 develop and implement the policies required by Section 501.026,  
23 Government Code, as added by this Act.

24 (b) The Texas Department of Criminal Justice shall submit  
25 the first report required by Section 501.026, Government Code, as  
26 added by this Act, not later than December 31, 2020.

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 23, 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: HB3227** by Howard (Relating to the availability of and access to certain programs and services for persons in the custody of the Texas Department of Criminal Justice.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code to direct the Texas Department of Criminal Justice (TDCJ) to increase the availability of certain peer support services to offenders incarcerated in TDCJ facilities. The bill would also amend the Government Code as it relates to an incarcerated person's access to certain programs. According to TDCJ, duties and responsibilities associated with implementing the provisions of the bill could be absorbed within existing resources. The bill would take effect September 1, 2019.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice

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

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 16, 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:** **HB3227** by Howard (relating to the availability of and access to certain programs and services for persons in the custody of the Texas Department of Criminal Justice.),  
**Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code to direct the Texas Department of Criminal Justice (TDCJ) to increase the availability of certain peer support services to offenders incarcerated in TDCJ facilities. The bill would also amend the Government Code as it relates to an incarcerated person's access to certain programs. According to TDCJ, duties and responsibilities associated with implementing the provisions of the bill could be absorbed within existing resources. The bill would take effect September 1, 2019.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice

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

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 14, 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:** **HB3227** by Howard (Relating to a female inmate's access to programs offered to inmates of the Texas Department of Criminal Justice.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code as it relates to an incarcerated female's access to programs offered to incarcerated individuals within the Texas Department of Criminal Justice. The Texas Department of Criminal Justice indicates that any costs associated with the bill could be absorbed within the agency's existing resources. The bill would take effect September 1, 2019.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** WP, LBO, kvel



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 20, 2019**

**TO:** Honorable James White, Chair, House Committee on Corrections

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

**IN RE:** **HB3227** by Howard (Relating to a female inmate's access to programs offered to inmates of the Texas Department of Criminal Justice.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code as it relates to an incarcerated female's access to programs offered to incarcerated individuals within the Texas Department of Criminal Justice. The Texas Department of Criminal Justice indicates that any costs associated with the bill could be absorbed within the agency's existing resources. The bill would take effect September 1, 2019.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** WP, LBO, kvel

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**86TH LEGISLATIVE REGULAR SESSION**

**March 20, 2019**

**TO:** Honorable James White, Chair, House Committee on Corrections

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

**IN RE: HB3227** by Howard (Relating to a female inmate's access to programs offered to inmates of the Texas Department of Criminal Justice.), **As Introduced**

The provisions of the bill addressed by this analysis would amend the Government Code as it relates to an incarcerated female's access to programs offered to incarcerated individuals within the Texas Department of Criminal Justice.

The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision. This analysis assumes the provisions of the bill would not result in a significant impact on state correctional populations or the demand for state correctional resources.

**Source Agencies:**

**LBB Staff:** WP, LM