

BILL ANALYSIS

C.S.H.B. 1308
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County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the adequacy of living conditions and care for pregnant prisoners. The incarcerated pregnant population has unique characteristics, including increased likelihood of high-risk pregnancies, that require special attention to improve the health outcomes for both mother and child. Stakeholders and the legislature could benefit from a comprehensive report on this topic and recommendations from individuals with relevant expertise.

C.S.H.B. 1308 seeks to address this issue by establishing a task force to conduct a comprehensive study on best practice standards for the confinement of pregnant prisoners in county jails in order to provide the legislature and other interested parties with relevant information to help inform decisions on how to improve the care of pregnant prisoners.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1308 establishes a task force to conduct a comprehensive study on best practice standards for the confinement of pregnant prisoners in county jails. The study must identify and make recommendations regarding the following with respect to the confinement of pregnant prisoners:

- current policies and procedures;
- barriers to accommodations and justice;
- best practices used in other states;
- policies that would improve jail standards; and
- any other issue the task force considers appropriate.

C.S.H.B. 1308 requires the Commission on Jail Standards (TCJS) to appoint the task force's members, specifies required members, and provides for the task force's presiding officer. The bill requires the task force to do the following:

- prepare a written report that includes the following:
 - a description of the task force's activities;
 - the task force's findings and recommendations;
 - a plan for how the best practice standards identified by the task force can be implemented statewide;
 - any proposals for legislation; and

- any other matter the task force considers appropriate; and
- not later than December 1, 2022, submit the report to:
 - the governor;
 - the lieutenant governor;
 - the speaker of the house of representatives; and
 - the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over issues relating to criminal justice.

C.S.H.B. 1308 requires TCJS to make the report available to the public on its website. The task force is abolished and the bill expires September 1, 2023.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1308 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not share any provisions with the original. The original required TCJS to annually conduct an unannounced inspection of each county jail to evaluate the jail's treatment of and policies regarding pregnant prisoners and the living conditions and general welfare of all prisoners, whereas the substitute establishes a task force to conduct a comprehensive study on best practice standards for the confinement of pregnant prisoners in county jails.

The substitute changes the bill's effective date from January 1, 2022, to September 1, 2021.