

BILL ANALYSIS

C.S.H.B. 2831
By: White
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that there may be a lack of adequate resources and training available to county jails in regard to the provision of appropriate services and treatment for incarcerated persons with intellectual or developmental disabilities. Furthermore, it is suggested that the incidence of mental health disorders among the population of detained persons who have intellectual or developmental disabilities is about three times higher than the general population, which heightens a number of risk factors inherent in the incarceration of persons with intellectual or developmental disabilities. Providing adequate resources and support to help the population with intellectual or developmental disabilities in county jails may help decrease recidivism. C.S.H.B. 2831 seeks to address this issue by establishing an advisory committee tasked with monitoring and gathering data regarding the detention of persons with intellectual or developmental disabilities and providing recommendations and guidelines on the detention of such persons.

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. 2831 amends the Government Code to require the Commission on Jail Standards (TCJS) to establish an advisory committee to advise TCJS and make recommendations on matters related to the confinement in county jail of persons with intellectual or developmental disabilities. The bill provides for the advisory committee's composition, member terms, and vacancies on the committee. The bill requires the presiding officer of TCJS to designate one member of the committee as the committee's presiding officer for a two-year term. The bill requires the advisory committee to do the following:

- gather and review data regarding the confinement in county jails of persons with intellectual or developmental disabilities;
- provide recommendations and guidelines to sheriffs and counties regarding the confinement; and
- not later than December 1 of each even-numbered year, submit to the governor, lieutenant governor, speaker of the house of representatives, and each standing committee of the legislature with primary jurisdiction over TCJS a report that includes recommendations for legislative or other action related to the confinement of persons with intellectual or developmental disabilities in county jails.

Statutory provisions relating to state agency advisory committees do not apply to the size, composition, or duration of the advisory committee or to the designation of the committee's presiding officer. The bill requires the presiding officer of TCJS, not later than January 1, 2022, to appoint members to the advisory committee and provides for the initial appointments. The bill requires the advisory committee to submit its first report not later than December 1, 2022.

C.S.H.B. 2831 requires TCJS, with assistance from the advisory committee, to monitor the intake processes in county jails to assess each county jail's ability to properly identify persons with intellectual or developmental disabilities and assist county jails in improving the intake processes with respect to persons with such disabilities. The bill requires TCJS to periodically update the intake screening form adopted by TCJS for use by county jails as necessary to reflect the recommendations of the advisory committee.

C.S.H.B. 2831 adds a temporary provision set to expire January 1, 2023, which requires TCJS, with assistance from the advisory committee, to prepare and submit a report to the governor, lieutenant governor, speaker of the house of representatives, each standing committee of the legislature with primary jurisdiction over the commission, and each sheriff that includes a discussion of any deficiencies in the intake processes that have been identified by TCJS and recommendations to improve county jail practices regarding identifying persons with intellectual or developmental disabilities.

C.S.H.B. 2831 amends the Occupations Code to require the Texas Commission on Law Enforcement and TCJS, with assistance of the advisory committee and not later than January 1, 2022, to jointly develop a training program for county jailers that consists of at least four hours of education and training on interacting with a person with an intellectual or developmental disability who is confined in a county jail, including techniques to assess a person for an intellectual or developmental disability. A county jailer who completes the training program may count the hours toward the jailer's continuing education requirements.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2831 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 revises the composition of the advisory committee established in the original by increasing the number of members from 11 to 13 by adding as members:

- an additional representative of a statewide organization that advocates for individuals with intellectual or developmental disabilities; and
- one member who has an intellectual or developmental disability or whose family member has an intellectual or developmental disability.

The substitute includes a requirement that was not included in the original for TCJS to periodically update the intake screening form as necessary to reflect the recommendations of the advisory committee.