

BILL ANALYSIS

H.B. 3447
By: White
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the ability of families to check on the health and well-being of relatives confined in a county jail and to discuss or receive health information of confined relatives who may have underlying health conditions, even in some reported instances when a family member is named on an inmate's release of medical information form. These concerns have been heightened by the ongoing pandemic, which has caused many inmates to develop COVID-19. H.B. 3447 seeks to address these concerns and help prevent the medical neglect of county jail inmates by requiring the designation of a family liaison officer for each county jail, requiring the Commission on Jail Standards (TCJS) to adopt a standard medical authorization form, providing for a more streamlined process for the release of a prisoner's medical information to family members, and providing for TCJS complaint inspections and related reporting.

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

H.B. 3447 amends the Government Code to require the Commission on Jail Standards (TCJS) to adopt a medical authorization form for a prisoner to authorize the release of the prisoner's medical information by the county jail to an individual named in the form. The bill requires a county jail, on request of a prisoner, to submit to TCJS a form signed by the prisoner and requires TCJS, as soon as practicable after receiving the form, to provide a reference number by mail or facsimile to the following:

- the individual named by the prisoner in the form; and
- the county jail that submitted the form.

The bill authorizes an individual named in a form to obtain medical information concerning the prisoner from the applicable county jail, including the family liaison officer for the county jail, by providing the reference number.

H.B. 3447 requires TCJS to require the sheriff of a county to designate one employee at the county jail to serve as the family liaison officer for the jail to facilitate the maintenance of ties between prisoners and their families for the purpose of reducing recidivism. The bill requires the officer to do the following:

- provide prisoners' relatives with information about the classification status, location, and health of prisoners at the county jail;

- notify prisoners about emergencies involving their families and provide prisoners with other necessary information relating to their families;
- assist prisoners' relatives and other persons during visits with prisoners and aid those persons in resolving problems that may affect permitted contact with prisoners; and
- inform individuals who possess a reference number when the applicable prisoner requires any medical attention outside of routine medical checks.

H.B. 3447 requires TCJS, on receipt of a complaint alleging abuse or neglect of a prisoner, including medical neglect, or unsafe conditions at a county jail, to check on the health and well-being of prisoners at the jail. The bill requires TCJS, not later than February 1 of each year, to submit to the governor and the presiding officer of each house of the legislature a report on the complaints that TCJS received during the preceding year. The report must include, for each county jail, the total number of the following:

- complaints submitted;
- complaints submitted for each category of allegation, including complaints alleging medical neglect and complaints alleging that the family liaison officer for the jail failed to disclose medical information to an individual who possesses a reference number; and
- complaints that were resolved by TCJS.

The bill authorizes TCJS to submit the report with its annual report to the governor and the presiding officer of each house of the legislature.

EFFECTIVE DATE

September 1, 2021.