Senate Research Center

S.B. 654
By: Bettencourt et al.
Criminal Justice
3/22/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Section 501.009, Government Code, requires the Texas Department of Criminal Justice (TDCJ) to require each warden to identify volunteer and faith-based organizations to provide programs for inmates housed in facilities operated by the TDCJ. These volunteer and faith-based groups currently provide programs in areas such as literacy and education, life skills, job skills, parent-training, drug and alcohol rehabilitation, support group, and arts and crafts.

However, interested parties have identified inconsistent application of rules within the TDCJ system with respect to various volunteer chaplaincies, favoring some faiths over others. S.B. 654 seeks to address these issues by implementing uniform policy that will allow equal access to all interested organizations.

As proposed, S.B. 654 amends current law relating to protecting the right to free exercise of religion and ensuring access to volunteer and faith-based chaplains and chaplaincy services for inmates.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 501.009, Government Code, as follows:

Sec. 501.009. New heading: VOLUNTEER AND FAITH-BASED ORGANIZATIONS; CHAPLAINS; REPORT. (a) Requires the Texas Department of Criminal Justice (TDCJ) to adopt a policy that requires each warden to identify volunteer and faith-based organizations and chaplains that provide programs and services for inmates housed in facilities operated by TDCJ. Requires that the policy require each warden to actively encourage volunteer and faith-based organizations and chaplains to provide the following programs for inmates in the warden's facility:

(1)-(7) makes no changes to these subdivisions; and

(8) other programs and services determined by TDCJ to aid inmates in the transition between confinement and society and to reduce incidence of recidivism among inmates.

(b) Requires that the policy adopted by TDCJ ensure that inmates have access to the programs and services of volunteer and faith-based chaplains. Requires TDCJ to ensure that a volunteer or faith-based chaplain formally designated for or employed by each facility is able to conduct religious services, to provide pastoral care or spiritual guidance, and otherwise to support inmates in the facility who wish to receive or participate in those programs or services.

(c) Requires that access to chaplains be reasonably facilitated to the extent that one is available and willing to minister to inmates. Requires that any limitation on

inmate access to a chaplain be imposed in the least restrictive manner, which may not place an undue burden on a chaplain or an inmate's free exercise of religion, or endanger the safety or security of the facility.

(d) Authorizes an inmate whose free exercise of religion has been substantially burdened by a policy adopted under this section to:

>> (1) file a claim under an inmate grievance system, including an inmate grievance system required under Section 501.008 (Inmate Grievance System); or

>> (2) pursue any other remedy as allowed by law.

(e) Creates this subsection from existing text. Requires that the policy adopted by TDCJ require that each warden submit a report to the Texas Board of Criminal Justice not later than December 31 of each year that includes, for the preceding fiscal year, a summary of:

>> (1) and (2) makes conforming and nonsubstantive changes to these subdivisions;

>> (3) any documentation related to a claim, defense, or other legal action arising from an alleged violation of an inmate's right to free exercise of religion; and

>> (4) any accommodation made or remedy undertaken by the facility to resolve a claim of an inmate's right to free exercise of religion having been burdened or violated.

SECTION 2. Effective date: September 1, 2021.