By:  White, Collier (Senate Sponsor - Whitmire) H.B. No. 719

(In the Senate - Received from the House April 12, 2021; April 13, 2021, read first time and referred to Committee on Criminal Justice; May 6, 2021, reported favorably by the following vote: Yeas 6, Nays 0; May 6, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman         X

Bettencourt     X

Birdwell        X

Hinojosa        X

Miles           X

Nichols                   X

A BILL TO BE ENTITLED

AN ACT

relating to Texas Department of Criminal Justice transfer facilities.

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

SECTION 1.  Section 493.015(b), Government Code, is amended to read as follows:

(b)  The department shall identify those inmates who are imprisoned in the institutional division or confined in [~~a transfer facility,~~] a substance abuse treatment facility, a state jail felony facility, or a county jail awaiting transfer to the institutional division and for whom the department is unable to reasonably ascertain whether or not the person is an illegal criminal alien.

SECTION 2.  Section 498.002, Government Code, is amended to read as follows:

Sec. 498.002.  CLASSIFICATION AND RECLASSIFICATION. The department shall classify each inmate as soon as practicable on the inmate's arrival at the institutional division [~~or a transfer facility~~] and, subject to the requirements of Section 498.005, shall reclassify the inmate as circumstances warrant. Each inmate must be classified according to the inmate's conduct, obedience, and industry. The department shall maintain a record on each inmate showing each classification and reclassification of the inmate with the date and reason for each classification or reclassification. The department may classify each inmate on the inmate's arrival at the institutional division [~~or a transfer facility~~] in a time-earning category that does not allow the inmate to earn more than 30 days' good conduct time for each 30 days actually served.

SECTION 3.  Section 498.004(a), Government Code, is amended to read as follows:

(a)  If, during the actual term of imprisonment of an inmate in the department [~~or in a transfer facility~~], the inmate commits an offense or violates a rule of the department, the department may forfeit all or any part of the inmate's accrued good conduct time or, in accordance with the policy adopted under Subsection (c), place all or any part of the inmate's accrued good conduct time in suspension. The department may not restore good conduct time forfeited under this subsection but may reinstate good conduct time suspended under this subsection.

SECTION 4.  Sections 498.0042(a) and (b), Government Code, are amended to read as follows:

(a)  The department shall adopt policies that prohibit an inmate in the institutional division [~~or in a transfer facility~~] from contacting by letter, telephone, or any other means, either directly or indirectly, a victim of the offense for which the inmate is serving a sentence or a member of the victim's family, if:

(1)  the victim was younger than 17 years of age at the time of the commission of the offense; and

(2)  the department has not, before the inmate makes contact:

(A)  received written consent to the contact from:

(i)  a parent of the victim or the member of the victim's family, other than the inmate;

(ii)  a legal guardian of the victim or the member of the victim's family; or

(iii)  the victim or the member of the victim's family, if the victim is 17 years of age or older at the time of giving the consent; and

(B)  provided the inmate with a copy of the consent.

(b)  If, during the actual term of imprisonment of an inmate in the institutional division [~~or a transfer facility~~], the inmate violates a policy adopted under Subsection (a) or an order entered under Article 42.24, Code of Criminal Procedure, the department shall forfeit all or any part of the inmate's accrued good conduct time. The department may not restore good conduct time forfeited under this subsection.

SECTION 5.  Section 500.006(b), Government Code, is amended to read as follows:

(b)  An inmate may not be transported directly from a county jail to an institutional division facility other than a designated diagnostic unit [~~or a transfer facility~~].

SECTION 6.  Section 507.006(a), Government Code, is amended to read as follows:

(a)  Notwithstanding any other provision of this subchapter, the state jail division, with the approval of the board, may designate one or more state jail felony facilities or discrete areas within one or more state jail felony facilities to treat inmates who are eligible for confinement in a substance abuse felony punishment facility under Section 493.009 or to house inmates who are sentenced to imprisonment in the institutional division [~~eligible for confinement in a transfer facility under Section 499.152~~], but only if the designation does not deny placement in a state jail felony facility of defendants required to serve terms of confinement in a facility following conviction of state jail felonies. The division may not house in a state jail felony facility an inmate who:

(1)  has a history of or has shown a pattern of violent or assaultive behavior in county jail or a facility operated by the department; or

(2)  will increase the likelihood of harm to the public if housed in the facility.

SECTION 7.  Section 508.081(2), Government Code, is amended to read as follows:

(2)  "Inmate" includes:

(A)  an administrative releasee;

(B)  an inmate imprisoned in the institutional division; and

(C)  a person confined in a [~~transfer facility or~~] county jail awaiting:

(i)  transfer to the institutional division; or

(ii)  a revocation hearing.

SECTION 8.  The heading to Section 511.017, Government Code, is amended to read as follows:

Sec. 511.017.  DUTIES RELATED TO STATE JAIL FELONY FACILITIES [~~AND INSTITUTIONAL DIVISION TRANSFER FACILITIES~~].

SECTION 9.  The following provisions of the Government Code are repealed:

(1)  Subchapter G, Chapter 499;

(2)  Section 507.006(b); and

(3)  Section 511.017(a)(3).

SECTION 10.  This Act takes effect September 1, 2021.

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