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By:  Cortez H.B. No. 2331

A BILL TO BE ENTITLED

AN ACT

relating to procedures governing declared disasters for the Texas Department of Criminal Justice and the Board of Pardons and Paroles.

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

SECTION 1.  Section 491.001(a)(1), Government Code, is amended to read as follows:

(1)  "Board" means the Texas Board of Criminal Justice, except as provided by Sections [~~Section~~] 508.001 and 509A.001.

SECTION 2.  Subtitle G, Title 4, Government Code, is amended by adding Chapter 509A to read as follows:

CHAPTER 509A. PROCEDURES FOR DECLARED DISASTERS

Sec. 509A.001.  DEFINITIONS. (a) In this chapter:

(1)  "Board" means the Board of Pardons and Paroles.

(2)  "Declared disaster" means a disaster declared by:

(A)  the governor under Chapter 418; or

(B)  the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.), if any part of this state is named in the federally declared disaster area.

Sec. 509A.002.  ADVISORY BOARD. (a) An advisory board is established to provide the department and the board with recommendations for the emergency response plan developed under Section 509A.003 and to update those recommendations annually.

(b)  The advisory board is composed of:

(1)  the executive director or the executive director's designee;

(2)  the commissioner of public health of the Department of State Health Services or the commissioner's designee;

(3)  the presiding officer of the board; and

(4)  the following members appointed by the governor:

(A)  at least two members each of whom has previously been incarcerated;

(B)  two members each of whom is a family member of an inmate;

(C)  one member who has a background in emergency planning and has previously created an emergency management program for accreditation purposes; and

(D)  one member with a background in public health who is capable of ascertaining vulnerabilities to emerging diseases or infections that could affect the department's operations.

(c)  In developing and updating the recommendations required by this section:

(1)  the department and the board shall provide the advisory board with access to all relevant information necessary to make the recommendations; and

(2)  the advisory board may access any facility operated by or under contract with the department.

(c-1)  Not later than March 1, 2022, the advisory board shall develop the recommendations required by this section and submit those recommendations to the department and the board. This subsection expires September 1, 2022.

(d)  Not later than March 1 of each year, the advisory board shall update the recommendations developed under this section and submit those recommendations to the department and the board.

(e)  If the department's or the board's response to a declared disaster is inconsistent with the recommendations submitted under this section, the advisory board may obtain any relevant data and reports and may conduct interviews with inmates and other relevant persons to identify any consequences of the department's or board's response.

(f)  Chapter 2110 does not apply to the composition or duration of the advisory board.

Sec. 509A.003.  EMERGENCY RESPONSE PLAN. (a) The department and the board shall jointly develop an emergency response plan to be implemented by each agency when responding to a declared disaster.

(b)  The emergency response plan must:

(1)  specify procedures governing the release of inmates on parole during the expedited parole approval process required under Section 509A.004, including:

(A)  the criteria a parole panel must consider when determining whether to approve an inmate for release on parole, such as:

(i)  the age, health, and medical vulnerability of an inmate;

(ii)  whether an inmate is pregnant;

(iii)  an inmate's progress in completing any classes or programs that the board has required the inmate to complete before being released on parole; and

(iv)  if an inmate has not completed the classes or programs described by Subparagraph (iii), whether the inmate will be able to participate in those classes or programs, or substantially similar classes or programs, through a parole officer or community provider after the inmate is released on parole;

(B)  the procedures for parole officers and community providers to provide classes or programs described by Paragraph (A)(iii) to inmates described by Paragraph (A)(iv); and

(C)  the procedures authorizing the use of funds described by Section 508.157(d) to provide housing vouchers or direct payments to extended stay hotels or alternative housing providers to ensure that inmates have temporary post-release housing; and

(2)  specify the operating procedures that will be implemented by a correctional facility during a declared disaster, including:

(A)  evacuation procedures for inmates and employees of the facility;

(B)  guidelines for employees of the facility to ensure their safety and well-being; and

(C)  provisions to:

(i)  prevent or minimize extended lockdowns or periods of inmate segregation in a correctional facility;

(ii)  ensure that an inmate may continue to participate in any classes or programs that the board has required the inmate to complete before being released on parole;

(iii)  ensure that inmates have commissary access at regular intervals during any extend period of a declared disaster;

(iv)  ensure that the department, the board, and each correctional facility have sufficient quantities of personal protective equipment for employees and inmates;

(v)  ensure that an inmate is not denied access to medical care, medication, or personal hygiene items;

(vi)  require the department to waive any fee charged to an inmate for medical care, including the health care service fee required under Section 501.063;

(vii)  prohibit a correctional facility from suspending in-person inmate visitation for an extended period, provided that a correctional facility may temporarily institute video visitation for the health and safety of inmates and staff; and

(viii)  prohibit an inmate from being required to work without the inmate's consent and without compensation if engaging in the work would endanger the health or safety of the inmate.

Sec. 509A.004.  PROCEDURES GOVERNING RELEASE ON PAROLE DURING DECLARED DISASTER. (a) During a declared disaster, the board shall:

(1)  implement an expedited parole approval process in accordance with the procedures described by Section 509A.003(b)(1) for inmates who are eligible for release on parole; and

(2)  modify existing parole policies and previous parole decisions as necessary to allow an inmate who is eligible for release on parole to complete, after being released on parole, any remaining classes or programs that the board has previously ordered the inmate to complete before being released on parole.

(b)  The expedited parole process must allow for the board to reconsider for release on parole an inmate who has previously been denied release at a date earlier than the date designated under the policy established under Section 508.141.

(c)  Notwithstanding any other law, when determining whether to approve an inmate for release on parole during a declared emergency, a parole panel:

(1)  must consider the criteria developed under Section 509A.003(b)(1)(A); and

(2)  may release an inmate on parole regardless of whether:

(A)  the requirements of Section 508.141(e)(1) are met; or

(B)  the inmate has completed the programs or classes described by Subsection (a)(2).

SECTION 3.  (a) The Texas Department of Criminal Justice and the Board of Pardons and Paroles shall jointly develop the emergency response plan required by Section 509A.003, Government Code, as added by this Act, not later than the 180th day after the date the advisory board submits recommendations to the department and the board as required by Section 509A.002(c-1), Government Code, as added by this Act.

(b)  The Board of Pardons and Paroles and a parole panel are not required to comply with Section 509A.004, Government Code, as added by this Act, until the Texas Department of Criminal Justice and the board jointly develop the emergency response plan required by Section 509A.003, Government Code, as added by this Act.

SECTION 4.  This Act takes effect September 1, 2021.