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By:  Bettencourt, Lucio S.B. No. 654

     Springer

A BILL TO BE ENTITLED

AN ACT

relating to protecting the right to free exercise of religion and ensuring access to volunteer and faith-based chaplains and chaplaincy services for inmates.

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

SECTION 1.  Section 501.009, Government Code, is amended to read as follows:

Sec. 501.009.  VOLUNTEER AND FAITH-BASED ORGANIZATIONS; CHAPLAINS; REPORT. (a) The department shall 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 the department. The policy must 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)  literacy and education programs;

(2)  life skills programs;

(3)  job skills programs;

(4)  parent-training programs;

(5)  drug and alcohol rehabilitation programs;

(6)  support group programs;

(7)  arts and crafts programs; and

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

(b)  The policy adopted by the department must ensure that inmates have access to the programs and services of volunteer and faith-based chaplains. The department shall ensure that a volunteer or faith-based chaplain formally designated for or employed by each facility is able to:

(1)  conduct religious services;

(2)  provide pastoral care or spiritual guidance; and

(3)  otherwise support inmates in the facility who wish to receive or participate in those programs or services.

(c)  Access to chaplains shall be reasonably facilitated to the extent that one is available and willing to minister to inmates. Any limitation on inmate access to a chaplain must be imposed in the least restrictive manner, which may not:

(1)  place an undue burden on:

(A)  a chaplain; or

(B)  an inmate's free exercise of religion; or

(2)  endanger the safety or security of the facility.

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

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

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

(e)  The policy adopted by the department must require that each warden submit a report to the board not later than December 31 of each year that includes, for the preceding fiscal year, a summary of:

(1)  the programs and services provided to inmates under this section; [~~and~~]

(2)  the actions taken by the warden to identify volunteer and faith-based organizations and chaplains willing to provide programs and services to inmates and to encourage those organizations and chaplains to provide programs and services in the warden's facility;

(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.  This Act takes effect September 1, 2021.