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H.B. No. 1092

A BILL TO BE ENTITLED

AN ACT

relating to the verification of the veteran status of inmates and prisoners.

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

SECTION 1. Section 8(a), Article 42.09, Code of Criminal Procedure, is amended to read as follows:

(a) A county that transfers a defendant to the Texas Department of Criminal Justice under this article shall deliver to an officer designated by the department:

(1) a copy of the judgment entered pursuant to Article 42.01, completed on a standardized felony judgment form described by Section 4 of that article;

(2) a copy of any order revoking community supervision and imposing sentence pursuant to Article 42A.755, including:

(A) any amounts owed for restitution, fines, and court costs, completed on a standardized felony judgment form described by Section 4, Article 42.01; and

(B) a copy of the client supervision plan prepared for the defendant by the community supervision and corrections department supervising the defendant, if such a plan was prepared;

(3) a written report that states the nature and the seriousness of each offense and that states the citation to the provision or provisions of the Penal Code or other law under which

1 the defendant was convicted;

2 (4) a copy of the victim impact statement, if one has
3 been prepared in the case under Subchapter D, Chapter 56A;

4 (5) a statement as to whether there was a change in
5 venue in the case and, if so, the names of the county prosecuting
6 the offense and the county in which the case was tried;

7 (6) if requested, information regarding the criminal
8 history of the defendant, including the defendant's state
9 identification number if the number has been issued;

10 (7) a copy of the indictment or information for each
11 offense;

12 (8) a checklist sent by the department to the county
13 and completed by the county in a manner indicating that the
14 documents required by this subsection and Subsection (c) accompany
15 the defendant;

16 (9) if prepared, a copy of a presentence or
17 postsentence report prepared under Subchapter F, Chapter 42A;

18 (10) a copy of any detainer, issued by an agency of the
19 federal government, that is in the possession of the county and that
20 has been placed on the defendant;

21 (11) if prepared, a copy of the defendant's Texas
22 Uniform Health Status Update Form;

23 (12) a written description of a hold or warrant,
24 issued by any other jurisdiction, that the county is aware of and
25 that has been placed on or issued for the defendant; ~~and~~

26 (13) a copy of any mental health records, mental
27 health screening reports, or similar information regarding the

1 mental health of the defendant; and

2 (14) the veteran status of the defendant as determined
3 by an investigation conducted in accordance with Section
4 511.009(a)(21)(A), Government Code.

5 SECTION 2. Section 501.024(b), Government Code, is amended
6 to read as follows:

7 (b) The department shall:

8 (1) in consultation with the Texas Veterans
9 Commission, investigate and verify the veteran status of each
10 inmate by using the best available federal data; and

11 (2) use the data described by Subdivision (1) to
12 assist inmates who are veterans in applying for federal benefits or
13 compensation for which the inmates may be eligible under a program
14 administered by the United States Department of Veterans Affairs,
15 including mailing any related paperwork, application, or other
16 correspondence on behalf of and at no charge to the inmate.

17 SECTION 3. Section 511.009(a), Government Code, is amended
18 to read as follows:

19 (a) The commission shall:

20 (1) adopt reasonable rules and procedures
21 establishing minimum standards for the construction, equipment,
22 maintenance, and operation of county jails;

23 (2) adopt reasonable rules and procedures
24 establishing minimum standards for the custody, care, and treatment
25 of prisoners;

26 (3) adopt reasonable rules establishing minimum
27 standards for the number of jail supervisory personnel and for

1 programs and services to meet the needs of prisoners;

2 (4) adopt reasonable rules and procedures
3 establishing minimum requirements for programs of rehabilitation,
4 education, and recreation in county jails;

5 (5) revise, amend, or change rules and procedures if
6 necessary;

7 (6) provide to local government officials
8 consultation on and technical assistance for county jails;

9 (7) review and comment on plans for the construction
10 and major modification or renovation of county jails;

11 (8) require that the sheriff and commissioners of each
12 county submit to the commission, on a form prescribed by the
13 commission, an annual report on the conditions in each county jail
14 within their jurisdiction, including all information necessary to
15 determine compliance with state law, commission orders, and the
16 rules adopted under this chapter;

17 (9) review the reports submitted under Subdivision (8)
18 and require commission employees to inspect county jails regularly
19 to ensure compliance with state law, commission orders, and rules
20 and procedures adopted under this chapter;

21 (10) adopt a classification system to assist sheriffs
22 and judges in determining which defendants are low-risk and
23 consequently suitable participants in a county jail work release
24 program under Article [42.034](#), Code of Criminal Procedure;

25 (11) adopt rules relating to requirements for
26 segregation of classes of inmates and to capacities for county
27 jails;

1 (12) require that the chief jailer of each municipal
2 lockup submit to the commission, on a form prescribed by the
3 commission, an annual report of persons under 17 years of age
4 securely detained in the lockup, including all information
5 necessary to determine compliance with state law concerning secure
6 confinement of children in municipal lockups;

7 (13) at least annually determine whether each county
8 jail is in compliance with the rules and procedures adopted under
9 this chapter;

10 (14) require that the sheriff and commissioners court
11 of each county submit to the commission, on a form prescribed by the
12 commission, an annual report of persons under 17 years of age
13 securely detained in the county jail, including all information
14 necessary to determine compliance with state law concerning secure
15 confinement of children in county jails;

16 (15) schedule announced and unannounced inspections
17 of jails under the commission's jurisdiction using the risk
18 assessment plan established under Section [511.0085](#) to guide the
19 inspections process;

20 (16) adopt a policy for gathering and distributing to
21 jails under the commission's jurisdiction information regarding:

22 (A) common issues concerning jail
23 administration;

24 (B) examples of successful strategies for
25 maintaining compliance with state law and the rules, standards, and
26 procedures of the commission; and

27 (C) solutions to operational challenges for

1 jails;

2 (17) report to the Texas Correctional Office on
3 Offenders with Medical or Mental Impairments on a jail's compliance
4 with Article 16.22, Code of Criminal Procedure;

5 (18) adopt reasonable rules and procedures
6 establishing minimum requirements for a county jail to:

7 (A) determine if a prisoner is pregnant;

8 (B) ensure that the jail's health services plan
9 addresses medical care, including obstetrical and gynecological
10 care, mental health care, nutritional requirements, and any special
11 housing or work assignment needs for prisoners who are known or
12 determined to be pregnant; and

13 (C) identify when a pregnant prisoner is in labor
14 and provide appropriate care to the prisoner, including promptly
15 transporting the prisoner to a local hospital;

16 (19) provide guidelines to sheriffs regarding
17 contracts between a sheriff and another entity for the provision of
18 food services to or the operation of a commissary in a jail under
19 the commission's jurisdiction, including specific provisions
20 regarding conflicts of interest and avoiding the appearance of
21 impropriety;

22 (20) adopt reasonable rules and procedures
23 establishing minimum standards for prisoner visitation that
24 provide each prisoner at a county jail with a minimum of two
25 in-person, noncontact visitation periods per week of at least 20
26 minutes duration each;

27 (21) require the sheriff of each county to:

1 (A) investigate and verify the veteran status of
2 each prisoner during the intake process by using data made
3 available from the Veterans Reentry Search Service (VRSS) operated
4 by the United States Department of Veterans Affairs or a similar
5 service; ~~and~~

6 (B) use the data described by Paragraph (A) to
7 assist prisoners who are veterans in applying for federal benefits
8 or compensation for which the prisoners may be eligible under a
9 program administered by the United States Department of Veterans
10 Affairs, including providing the prisoner on verification of the
11 prisoner's veteran status with a prepaid postcard that is supplied
12 by the Texas Veterans Commission for purposes of requesting
13 assistance in applying for veterans benefits;

14 (C) submit a daily report identifying each
15 prisoner whose veteran status was verified under Paragraph (A)
16 during the previous day to the Texas Veterans Commission and, as
17 applicable, the veterans county service officer for the county and
18 each court in which charges against a prisoner identified in the
19 report are pending; and

20 (D) allow for a prisoner whose veteran status has
21 been verified under Paragraph (A) to have in-person or video
22 visitation with the veterans county service officer for the county
23 or a peer service coordinator at no cost to the prisoner;

24 (22) adopt reasonable rules and procedures regarding
25 visitation of a prisoner at a county jail by a guardian, as defined
26 by Section 1002.012, Estates Code, that:

27 (A) allow visitation by a guardian to the same

1 extent as the prisoner's next of kin, including placing the
2 guardian on the prisoner's approved visitors list on the guardian's
3 request and providing the guardian access to the prisoner during a
4 facility's standard visitation hours if the prisoner is otherwise
5 eligible to receive visitors; and

6 (B) require the guardian to provide the sheriff
7 with letters of guardianship issued as provided by Section
8 [1106.001](#), Estates Code, before being allowed to visit the prisoner;

9 (23) adopt reasonable rules and procedures to ensure
10 the safety of prisoners, including rules and procedures that
11 require a county jail to:

12 (A) give prisoners the ability to access a mental
13 health professional at the jail or through a telemental health
14 service 24 hours a day or, if a mental health professional is not at
15 the county jail at the time, then require the jail to use all
16 reasonable efforts to arrange for the inmate to have access to a
17 mental health professional within a reasonable time;

18 (B) give prisoners the ability to access a health
19 professional at the jail or through a telehealth service 24 hours a
20 day or, if a health professional is unavailable at the jail or
21 through a telehealth service, provide for a prisoner to be
22 transported to access a health professional; and

23 (C) if funding is available under Section
24 [511.019](#), install automated electronic sensors or cameras to ensure
25 accurate and timely in-person checks of cells or groups of cells
26 confining at-risk individuals; and

27 (24) adopt reasonable rules and procedures

H.B. No. 1092

1 establishing minimum standards for the quantity and quality of
2 feminine hygiene products, including tampons in regular and large
3 sizes and menstrual pads with wings in regular and large sizes,
4 provided to a female prisoner.

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