

By: Romero, Jr.

H.B. No. 1092

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 SECTION 1. 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 2. 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

1 of prisoners;

2 (3) adopt reasonable rules establishing minimum
3 standards for the number of jail supervisory personnel and for
4 programs and services to meet the needs of prisoners;

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

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

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

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

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

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

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

1 (11) adopt rules relating to requirements for
2 segregation of classes of inmates and to capacities for county
3 jails;

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

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

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

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

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

25 (A) common issues concerning jail
26 administration;

27 (B) examples of successful strategies for

1 maintaining compliance with state law and the rules, standards, and
2 procedures of the commission; and

3 (C) solutions to operational challenges for
4 jails;

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

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

10 (A) determine if a prisoner is pregnant;

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

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

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

25 (20) adopt reasonable rules and procedures
26 establishing minimum standards for prisoner visitation that
27 provide each prisoner at a county jail with a minimum of two

1 in-person, noncontact visitation periods per week of at least 20
2 minutes duration each;

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

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

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

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

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

27 (22) adopt reasonable rules and procedures regarding

1 visitation of a prisoner at a county jail by a guardian, as defined
2 by Section 1002.012, Estates Code, that:

3 (A) allow visitation by a guardian to the same
4 extent as the prisoner's next of kin, including placing the
5 guardian on the prisoner's approved visitors list on the guardian's
6 request and providing the guardian access to the prisoner during a
7 facility's standard visitation hours if the prisoner is otherwise
8 eligible to receive visitors; and

9 (B) require the guardian to provide the sheriff
10 with letters of guardianship issued as provided by Section
11 1106.001, Estates Code, before being allowed to visit the prisoner;

12 (23) adopt reasonable rules and procedures to ensure
13 the safety of prisoners, including rules and procedures that
14 require a county jail to:

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

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

26 (C) if funding is available under Section
27 511.019, install automated electronic sensors or cameras to ensure

1 accurate and timely in-person checks of cells or groups of cells
2 confining at-risk individuals; and

3 (24) adopt reasonable rules and procedures
4 establishing minimum standards for the quantity and quality of
5 feminine hygiene products, including tampons in regular and large
6 sizes and menstrual pads with wings in regular and large sizes,
7 provided to a female prisoner.

8 SECTION 3. This Act takes effect September 1, 2021.