

By: White

H.B. No. 1398

A BILL TO BE ENTITLED

AN ACT

relating to the verification of the veteran status of prisoners confined in county jails.

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

SECTION 1. Section 511.009(a), Government Code, is amended to read as follows:

(a) The commission shall:

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

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

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

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

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

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

(7) review and comment on plans for the construction

1 and major modification or renovation of county jails;

2           (8) require that the sheriff and commissioners of each  
3 county submit to the commission, on a form prescribed by the  
4 commission, an annual report on the conditions in each county jail  
5 within their jurisdiction, including all information necessary to  
6 determine compliance with state law, commission orders, and the  
7 rules adopted under this chapter;

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

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

16           (11) adopt rules relating to requirements for  
17 segregation of classes of inmates and to capacities for county  
18 jails;

19           (12) require that the chief jailer of each municipal  
20 lockup submit to the commission, on a form prescribed by the  
21 commission, an annual report of persons under 17 years of age  
22 securely detained in the lockup, including all information  
23 necessary to determine compliance with state law concerning secure  
24 confinement of children in municipal lockups;

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

1           (14) require that the sheriff and commissioners court  
2 of each county 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 county jail, including all information  
5 necessary to determine compliance with state law concerning secure  
6 confinement of children in county jails;

7           (15) schedule announced and unannounced inspections  
8 of jails under the commission's jurisdiction using the risk  
9 assessment plan established under Section [511.0085](#) to guide the  
10 inspections process;

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

13                   (A) common issues concerning jail  
14 administration;

15                   (B) examples of successful strategies for  
16 maintaining compliance with state law and the rules, standards, and  
17 procedures of the commission; and

18                   (C) solutions to operational challenges for  
19 jails;

20           (17) report to the Texas Correctional Office on  
21 Offenders with Medical or Mental Impairments on a jail's compliance  
22 with Article [16.22](#), Code of Criminal Procedure;

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

25                   (A) determine if a prisoner is pregnant;

26                   (B) ensure that the jail's health services plan  
27 addresses medical care, including obstetrical and gynecological

1 care, mental health care, nutritional requirements, and any special  
2 housing or work assignment needs for prisoners who are known or  
3 determined to be pregnant; and

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

7 (19) provide guidelines to sheriffs regarding  
8 contracts between a sheriff and another entity for the provision of  
9 food services to or the operation of a commissary in a jail under  
10 the commission's jurisdiction, including specific provisions  
11 regarding conflicts of interest and avoiding the appearance of  
12 impropriety;

13 (20) adopt reasonable rules and procedures  
14 establishing minimum standards for prisoner visitation that  
15 provide each prisoner at a county jail with a minimum of two  
16 in-person, noncontact visitation periods per week of at least 20  
17 minutes duration each;

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

19 (A) investigate and verify the veteran status of  
20 each prisoner during the intake process by using data made  
21 available from the Veterans Reentry Search Service (VRSS) operated  
22 by the United States Department of Veterans Affairs or a similar  
23 service; ~~and~~

24 (B) use the data described by Paragraph (A) to  
25 assist prisoners who are veterans in applying for federal benefits  
26 or compensation for which the prisoners may be eligible under a  
27 program administered by the United States Department of Veterans

1 Affairs; and

2 (C) submit a daily report identifying each  
3 prisoner whose veteran status was verified under Paragraph (A)  
4 during the previous day to the Texas Veterans Commission and, as  
5 applicable, the veterans county service officer for the county and  
6 each court in which charges against a prisoner identified in the  
7 report are pending;

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

11 (A) allow visitation by a guardian to the same  
12 extent as the prisoner's next of kin, including placing the  
13 guardian on the prisoner's approved visitors list on the guardian's  
14 request and providing the guardian access to the prisoner during a  
15 facility's standard visitation hours if the prisoner is otherwise  
16 eligible to receive visitors; and

17 (B) require the guardian to provide the sheriff  
18 with letters of guardianship issued as provided by Section  
19 1106.001, Estates Code, before being allowed to visit the prisoner;

20 (23) adopt reasonable rules and procedures to ensure  
21 the safety of prisoners, including rules and procedures that  
22 require a county jail to:

23 (A) give prisoners the ability to access a mental  
24 health professional at the jail or through a telemental health  
25 service 24 hours a day or, if a mental health professional is not at  
26 the county jail at the time, then require the jail to use all  
27 reasonable efforts to arrange for the inmate to have access to a

1 mental health professional within a reasonable time;

2 (B) give prisoners the ability to access a health  
3 professional at the jail or through a telehealth service 24 hours a  
4 day or, if a health professional is unavailable at the jail or  
5 through a telehealth service, provide for a prisoner to be  
6 transported to access a health professional; and

7 (C) if funding is available under Section  
8 [511.019](#), install automated electronic sensors or cameras to ensure  
9 accurate and timely in-person checks of cells or groups of cells  
10 confining at-risk individuals; and

11 (24) adopt reasonable rules and procedures  
12 establishing minimum standards for the quantity and quality of  
13 feminine hygiene products, including tampons in regular and large  
14 sizes and menstrual pads with wings in regular and large sizes,  
15 provided to a female prisoner.

16 SECTION 2. This Act takes effect September 1, 2021.