

By: White

H.B. No. 1579

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the protection of the free exercise of religion rights
3 of inmates and ensuring access to volunteer and faith-based
4 chaplains and chaplaincy services.

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

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

8 Sec. 501.009. VOLUNTEER AND FAITH-BASED ORGANIZATIONS;
9 CHAPLAINS; REPORT. (a) The department shall adopt a policy that
10 requires each warden to identify volunteer and faith-based
11 organizations that provide programs and services for inmates housed
12 in facilities operated by the department, including through
13 programs and services provided by volunteer and faith-based
14 chaplains. The policy must require each warden to actively
15 encourage volunteer and faith-based organizations to provide the
16 following programs for inmates in the warden's facility:

- 17 (1) literacy and education programs;
18 (2) life skills programs;
19 (3) job skills programs;
20 (4) parent-training programs;
21 (5) drug and alcohol rehabilitation programs;
22 (6) support group programs;
23 (7) arts and crafts programs; and
24 (8) other programs and services determined by the

1 department to aid inmates in the transition between confinement and
2 society and to reduce incidence of recidivism among inmates.

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

8 (1) conduct religious services;

9 (2) provide pastoral care or spiritual guidance; and

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

12 (c) Access to chaplains must be reasonably facilitated to
13 the extent that is one is available and willing to minister to
14 inmates. Any limitation of inmate access chaplains must be done in
15 the least restrictive means without presenting an undue burden or
16 endangering the safety and security of the facility.

17 (d) An inmate whose free exercise of religion has been
18 substantially burdened by a policy adopted under this section may
19 file a claim under an inmate grievance system, including an inmate
20 grievance system required under Section 501.008, Government Code,
21 or pursue any other remedy as allowed by the laws of the State of
22 Texas or provided for under the United States Constitution or Texas
23 Constitution.

24 ~~[(b)]~~ (e) The policy must require that each warden submit a
25 report to the board not later than December 31 of each year that
26 includes, for the preceding fiscal year, a summary of:

27 (1) the programs and services provided to inmates

1 under this section; [~~and~~]

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

6 (3) any documentation related to a claim, defense, or
7 other legal action arising from an allegation or violation of an
8 inmate's free exercise of religion rights; and

9 (4) any remedy or accommodation made taken by the
10 facility to resolve the claim or remove the burden.

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