

By: Cortez

H.B. No. 2331

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to procedures governing declared disasters for the Texas  
3 Department of Criminal Justice and the Board of Pardons and  
4 Paroles.

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

6 SECTION 1. Section 491.001(a)(1), Government Code, is  
7 amended to read as follows:

8 (1) "Board" means the Texas Board of Criminal Justice,  
9 except as provided by Sections [~~Section~~] 508.001 and 509A.001.

10 SECTION 2. Subtitle G, Title 4, Government Code, is amended  
11 by adding Chapter 509A to read as follows:

12 CHAPTER 509A. PROCEDURES FOR DECLARED DISASTERS

13 Sec. 509A.001. DEFINITIONS. (a) In this chapter:

14 (1) "Board" means the Board of Pardons and Paroles.

15 (2) "Declared disaster" means a disaster declared by:

16 (A) the governor under Chapter 418; or

17 (B) the president of the United States under the  
18 Robert T. Stafford Disaster Relief and Emergency Assistance Act (42  
19 U.S.C. Section 5121 et seq.), if any part of this state is named in  
20 the federally declared disaster area.

21 Sec. 509A.002. ADVISORY BOARD. (a) An advisory board is  
22 established to provide the department and the board with  
23 recommendations for the emergency response plan developed under  
24 Section 509A.003 and to update those recommendations annually.

1        (b) The advisory board is composed of:

2            (1) the executive director or the executive director's  
3 designee;

4            (2) the commissioner of public health of the  
5 Department of State Health Services or the commissioner's designee;

6            (3) the presiding officer of the board; and

7            (4) the following members appointed by the governor:

8            (A) at least two members each of whom has  
9 previously been incarcerated;

10           (B) two members each of whom is a family member of  
11 an inmate;

12           (C) one member who has a background in emergency  
13 planning and has previously created an emergency management program  
14 for accreditation purposes; and

15           (D) one member with a background in public health  
16 who is capable of ascertaining vulnerabilities to emerging diseases  
17 or infections that could affect the department's operations.

18        (c) In developing and updating the recommendations required  
19 by this section:

20           (1) the department and the board shall provide the  
21 advisory board with access to all relevant information necessary to  
22 make the recommendations; and

23           (2) the advisory board may access any facility  
24 operated by or under contract with the department.

25        (c-1) Not later than March 1, 2022, the advisory board shall  
26 develop the recommendations required by this section and submit  
27 those recommendations to the department and the board. This

1 subsection expires September 1, 2022.

2 (d) Not later than March 1 of each year, the advisory board  
3 shall update the recommendations developed under this section and  
4 submit those recommendations to the department and the board.

5 (e) If the department's or the board's response to a  
6 declared disaster is inconsistent with the recommendations  
7 submitted under this section, the advisory board may obtain any  
8 relevant data and reports and may conduct interviews with inmates  
9 and other relevant persons to identify any consequences of the  
10 department's or board's response.

11 (f) Chapter 2110 does not apply to the composition or  
12 duration of the advisory board.

13 Sec. 509A.003. EMERGENCY RESPONSE PLAN. (a) The  
14 department and the board shall jointly develop an emergency  
15 response plan to be implemented by each agency when responding to a  
16 declared disaster.

17 (b) The emergency response plan must:

18 (1) specify procedures governing the release of  
19 inmates on parole during the expedited parole approval process  
20 required under Section 509A.004, including:

21 (A) the criteria a parole panel must consider  
22 when determining whether to approve an inmate for release on  
23 parole, such as:

24 (i) the age, health, and medical  
25 vulnerability of an inmate;

26 (ii) whether an inmate is pregnant;

27 (iii) an inmate's progress in completing

1 any classes or programs that the board has required the inmate to  
2 complete before being released on parole; and

3 (iv) if an inmate has not completed the  
4 classes or programs described by Subparagraph (iii), whether the  
5 inmate will be able to participate in those classes or programs, or  
6 substantially similar classes or programs, through a parole officer  
7 or community provider after the inmate is released on parole;

8 (B) the procedures for parole officers and  
9 community providers to provide classes or programs described by  
10 Paragraph (A)(iii) to inmates described by Paragraph (A)(iv); and

11 (C) the procedures authorizing the use of funds  
12 described by Section 508.157(d) to provide housing vouchers or  
13 direct payments to extended stay hotels or alternative housing  
14 providers to ensure that inmates have temporary post-release  
15 housing; and

16 (2) specify the operating procedures that will be  
17 implemented by a correctional facility during a declared disaster,  
18 including:

19 (A) evacuation procedures for inmates and  
20 employees of the facility;

21 (B) guidelines for employees of the facility to  
22 ensure their safety and well-being; and

23 (C) provisions to:

24 (i) prevent or minimize extended lockdowns  
25 or periods of inmate segregation in a correctional facility;

26 (ii) ensure that an inmate may continue to  
27 participate in any classes or programs that the board has required

1 the inmate to complete before being released on parole;

2 (iii) ensure that inmates have commissary  
3 access at regular intervals during any extend period of a declared  
4 disaster;

5 (iv) ensure that the department, the board,  
6 and each correctional facility have sufficient quantities of  
7 personal protective equipment for employees and inmates;

8 (v) ensure that an inmate is not denied  
9 access to medical care, medication, or personal hygiene items;

10 (vi) require the department to waive any  
11 fee charged to an inmate for medical care, including the health care  
12 service fee required under Section 501.063;

13 (vii) prohibit a correctional facility from  
14 suspending in-person inmate visitation for an extended period,  
15 provided that a correctional facility may temporarily institute  
16 video visitation for the health and safety of inmates and staff; and

17 (viii) prohibit an inmate from being  
18 required to work without the inmate's consent and without  
19 compensation if engaging in the work would endanger the health or  
20 safety of the inmate.

21 Sec. 509A.004. PROCEDURES GOVERNING RELEASE ON PAROLE  
22 DURING DECLARED DISASTER. (a) During a declared disaster, the  
23 board shall:

24 (1) implement an expedited parole approval process in  
25 accordance with the procedures described by Section 509A.003(b)(1)  
26 for inmates who are eligible for release on parole; and

27 (2) modify existing parole policies and previous

1 parole decisions as necessary to allow an inmate who is eligible for  
2 release on parole to complete, after being released on parole, any  
3 remaining classes or programs that the board has previously ordered  
4 the inmate to complete before being released on parole.

5 (b) The expedited parole process must allow for the board to  
6 reconsider for release on parole an inmate who has previously been  
7 denied release at a date earlier than the date designated under the  
8 policy established under Section 508.141.

9 (c) Notwithstanding any other law, when determining whether  
10 to approve an inmate for release on parole during a declared  
11 emergency, a parole panel:

12 (1) must consider the criteria developed under Section  
13 509A.003(b)(1)(A); and

14 (2) may release an inmate on parole regardless of  
15 whether:

16 (A) the requirements of Section 508.141(e)(1)  
17 are met; or

18 (B) the inmate has completed the programs or  
19 classes described by Subsection (a)(2).

20 SECTION 3. (a) The Texas Department of Criminal Justice and  
21 the Board of Pardons and Paroles shall jointly develop the  
22 emergency response plan required by Section 509A.003, Government  
23 Code, as added by this Act, not later than the 180th day after the  
24 date the advisory board submits recommendations to the department  
25 and the board as required by Section 509A.002(c-1), Government  
26 Code, as added by this Act.

27 (b) The Board of Pardons and Paroles and a parole panel are

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1 not required to comply with Section 509A.004, Government Code, as  
2 added by this Act, until the Texas Department of Criminal Justice  
3 and the board jointly develop the emergency response plan required  
4 by Section 509A.003, Government Code, as added by this Act.

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