

By: White, Spiller

H.B. No. 2831

A BILL TO BE ENTITLED

AN ACT

relating to the confinement in county jail of persons with intellectual or developmental disabilities.

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

SECTION 1. Chapter 511, Government Code, is amended by adding Section 511.022 to read as follows:

Sec. 511.022. ADVISORY COMMITTEE. (a) The commission shall establish an advisory committee to advise the commission and make recommendations on matters related to the confinement in county jail of persons with intellectual or developmental disabilities.

(b) The advisory committee consists of 13 members appointed by the presiding officer of the commission, with the commission's approval, as follows:

(1) one representative of the commission;

(2) one representative of the Department of State Health Services;

(3) one representative of the Health and Human Services Commission with expertise in intellectual and developmental disabilities;

(4) one representative of the Texas Commission on Law Enforcement;

(5) one representative of the Texas Correctional Office on Offenders with Medical or Mental Impairments;

1           (6) one sheriff of a county with a population of 80,000  
2 or more;

3           (7) one sheriff of a county with a population of less  
4 than 80,000;

5           (8) two representatives of statewide organizations  
6 that advocate for individuals with intellectual and developmental  
7 disabilities;

8           (9) one representative who is a mental health  
9 professional with a focus on trauma and intellectual and  
10 developmental disabilities;

11           (10) one representative from a state supported living  
12 center;

13           (11) one member who has an intellectual or  
14 developmental disability or whose family member has an intellectual  
15 or developmental disability; and

16           (12) one member who represents the public.

17           (c) Members of the advisory committee serve staggered  
18 six-year terms, with the terms of three or four members expiring  
19 January 31 of each odd-numbered year. If a vacancy occurs during a  
20 member's term, the presiding officer of the commission, with the  
21 commission's approval, shall appoint a replacement to fill the  
22 unexpired term.

23           (d) The presiding officer of the commission shall designate  
24 one member of the advisory committee to serve as presiding officer  
25 of the committee for a two-year term.

26           (e) The advisory committee shall:

27           (1) gather and review data regarding the confinement

1 in county jails of persons with intellectual or developmental  
2 disabilities; and

3 (2) provide recommendations and guidelines to  
4 sheriffs and counties regarding the confinement of persons with  
5 intellectual or developmental disabilities.

6 (f) Not later than December 1 of each even-numbered year,  
7 the advisory committee shall submit a report that includes  
8 recommendations for legislative or other action related to the  
9 confinement of persons with intellectual or developmental  
10 disabilities in county jails to:

11 (1) the governor;

12 (2) the lieutenant governor;

13 (3) the speaker of the house of representatives; and

14 (4) each standing committee of the legislature with  
15 primary jurisdiction over the commission.

16 (g) Chapter 2110 does not apply to the size, composition, or  
17 duration of the advisory committee or to the designation of the  
18 committee's presiding officer.

19 SECTION 2. Chapter 511, Government Code, is amended by  
20 adding Section 511.023 to read as follows:

21 Sec. 511.023. INTAKE OF PERSONS WITH INTELLECTUAL OR  
22 DEVELOPMENTAL DISABILITIES. (a) The commission, with the  
23 assistance of the advisory committee established under Section  
24 511.022, shall:

25 (1) monitor the intake processes in county jails to  
26 assess each county jail's ability to properly identify persons with  
27 intellectual or developmental disabilities; and

1           (2) assist county jails in improving the intake  
2 processes with respect to persons with intellectual or  
3 developmental disabilities.

4           (b) The commission shall periodically update the intake  
5 screening form adopted by the commission for use by county jails as  
6 necessary to reflect the recommendations of the advisory committee  
7 established under Section 511.022.

8           (c) Not later than December 1, 2022, the commission, with  
9 the assistance of the advisory committee established under Section  
10 511.022, shall prepare and submit a report to the governor, the  
11 lieutenant governor, the speaker of the house of representatives,  
12 each standing committee of the legislature with primary  
13 jurisdiction over the commission, and each sheriff that includes:

14                 (1) a discussion of any deficiencies in the intake  
15 processes that have been identified by the commission; and

16                 (2) recommendations to improve county jail practices  
17 regarding identifying persons with intellectual or developmental  
18 disabilities.

19           (d) This subsection and Subsection (c) expire January 1,  
20 2023.

21           SECTION 3. Subchapter F, Chapter 1701, Occupations Code, is  
22 amended by adding Section 1701.269 to read as follows:

23           Sec. 1701.269. TRAINING PROGRAM RELATING TO COUNTY JAILER  
24 INTERACTIONS WITH PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL  
25 DISABILITIES. (a) The commission and the Commission on Jail  
26 Standards shall jointly develop, with the assistance of the  
27 advisory committee established under Section 511.022, Government

1 Code, a training program for county jailers that consists of at  
2 least four hours of education and training on interacting with a  
3 person with an intellectual or developmental disability who is  
4 confined in a county jail, including techniques to assess a person  
5 for an intellectual or developmental disability.

6 (b) A county jailer who completes the training program may  
7 count the hours toward the jailer's continuing education  
8 requirements under this chapter.

9 SECTION 4. (a) Not later than January 1, 2022, the  
10 presiding officer of the Commission on Jail Standards shall appoint  
11 members to the advisory committee created under Section 511.022,  
12 Government Code, as added by this Act.

13 (b) Notwithstanding Section 511.022(c), Government Code, as  
14 added by this Act, in making the initial appointments to the  
15 advisory committee, the presiding officer of the commission shall  
16 designate four members to serve terms expiring January 31, 2023,  
17 four members to serve terms expiring January 31, 2025, and five  
18 members to serve terms expiring January 31, 2027.

19 SECTION 5. The advisory committee created under Section  
20 511.022, Government Code, as added by this Act, shall submit its  
21 first report under Section 511.022(f), Government Code, as added by  
22 this Act, not later than December 1, 2022.

23 SECTION 6. Not later than January 1, 2022, the Texas  
24 Commission on Law Enforcement shall develop the training program  
25 required by Section 1701.269, Occupations Code, as added by this  
26 Act.

27 SECTION 7. This Act takes effect September 1, 2021.