

By: Hall, et al.

S.B. No. 710

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the continuation and functions of the Commission on  
3 Jail Standards.

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

5 SECTION 1. Section 511.003, Government Code, is amended to  
6 read as follows:

7 Sec. 511.003. SUNSET PROVISION. The Commission on Jail  
8 Standards is subject to Chapter 325 (Texas Sunset Act). Unless  
9 continued in existence as provided by that chapter, the commission  
10 is abolished and this chapter expires September 1, 2033 [~~2021~~].

11 SECTION 2. Sections 511.004(h), (i), and (j), Government  
12 Code, are redesignated as Section 511.00405, Government Code, and  
13 amended to read as follows:

14 Sec. 511.00405. TRAINING. (a) [~~(h)~~] A person who is  
15 appointed to and qualifies for office as a member of the commission  
16 may not vote, deliberate, or be counted as a member in attendance at  
17 a meeting of the commission until the person completes a training  
18 program that complies with this section [~~Subsection (i)~~].

19 (b) [~~(i)~~] The training program [~~required by Subsection (h)~~]  
20 must provide the person with information [~~to the person~~] regarding:

21 (1) the law governing commission operations [~~this~~  
22 ~~chapter~~];

23 (2) the programs, functions, rules, and budget of the  
24 commission;

1           (3) the scope of and limitations on the rulemaking  
2 authority of the commission;

3           (4) the results of the most recent formal audit of the  
4 commission;

5           (5) [~~(4)~~] the requirements of:

6                 (A) laws relating to open meetings, public  
7 information, administrative procedure, and disclosing conflicts of  
8 interest; and

9                 (B) other laws applicable to members of a state  
10 policy-making body in performing their duties; and

11           (6) [~~(5)~~] any applicable ethics policies adopted by  
12 the commission or the Texas Ethics Commission.

13           (c) [~~(j)~~] A person appointed to the commission is entitled  
14 to reimbursement, as provided by the General Appropriations Act,  
15 for the travel expenses incurred in attending the training program  
16 [~~required by Subsection (h)~~] regardless of whether attendance at  
17 the program occurs before or after the person qualifies for office.

18           (d) The executive director of the commission shall create a  
19 training manual that includes the information required by  
20 Subsection (b). The executive director shall distribute a copy of  
21 the training manual annually to each member of the commission. Each  
22 member of the commission shall sign and submit to the executive  
23 director a statement acknowledging that the member received and has  
24 reviewed the training manual.

25           SECTION 3. Section 511.0071, Government Code, is amended by  
26 amending Subsections (a) and (a-1) and adding Subsections (g) and  
27 (h) to read as follows:

1 (a) The commission shall prepare information of public  
2 interest describing the functions of the commission [~~and the~~  
3 ~~commission's procedures by which complaints regarding the~~  
4 ~~commission and complaints regarding jails under the commission's~~  
5 ~~jurisdiction are filed with and resolved by the commission~~]. The  
6 commission shall make the information available:

7 (1) to the public, inmates, county officials, and  
8 appropriate state agencies; and

9 (2) on any publicly accessible Internet website  
10 maintained by the commission.

11 (a-1) The commission shall adopt rules and procedures  
12 regarding the receipt, investigation, resolution, and disclosure  
13 to the public of complaints regarding the commission and complaints  
14 regarding jails under the commission's jurisdiction that are filed  
15 with the commission. The commission shall:

16 (1) prescribe a form or forms on which written  
17 complaints regarding the commission and complaints regarding jails  
18 under the commission's jurisdiction may be filed with the  
19 commission;

20 (2) keep an information file in accordance with  
21 Section 511.0072 [~~Subsection (f)~~] regarding each complaint filed  
22 with the commission regarding the commission or a jail under the  
23 commission's jurisdiction;

24 (3) develop procedures for prioritizing complaints  
25 filed with the commission and a reasonable time frame for  
26 responding to those complaints and appeals of those complaints;

27 (4) [~~maintain a system for promptly and efficiently~~

1 ~~acting on complaints filed with the commission,~~

2           ~~[(5)]~~ develop a procedure for tracking and analyzing  
3 all complaints filed with the commission, according to criteria  
4 that must include:

5                   (A) the reason for or origin of complaints;

6                   (B) the average number of days that elapse  
7 between the date on which complaints are filed, the date on which  
8 the commission first investigates or otherwise responds to  
9 complaints, and the date on which complaints are resolved;

10                   (C) the outcome of investigations or the  
11 resolution of complaints, including dismissals and commission  
12 actions resulting from complaints;

13                   (D) the number of pending complaints at the close  
14 of each fiscal year; ~~and~~

15                   (E) a list of complaint topics that the  
16 commission does not have jurisdiction to investigate or resolve;  
17 ~~and~~

18                   (F) the detailed categorization of each  
19 violation alleged in a complaint;

20                   (G) the comprehensive documentation of each  
21 violation alleged in a complaint; and

22                   (H) for a complaint for which the commission took  
23 no action, the documentation of the reason the complaint was closed  
24 without action;

25                   (5) regularly analyze complaints to identify trends,  
26 including trends with respect to jails with a higher than average  
27 number of complaints, to determine jails requiring additional

1 inspections; and

2 (6) regularly prepare and distribute to members of the  
3 commission and make available to the public a report containing a  
4 summary of the information compiled under Subdivisions (4) and  
5 ~~[Subdivision]~~ (5).

6 (g) The commission shall adopt rules requiring jail  
7 administrators to include in any inmate handbook and prominently  
8 display throughout the jail information regarding the procedure for  
9 complaint investigation and resolution.

10 (h) The commission shall ensure that a jail complies with  
11 Subsection (g) during any inspection of the jail.

12 SECTION 4. Chapter 511, Government Code, is amended by  
13 adding Section 511.0072 to read as follows:

14 Sec. 511.0072. COMPLAINT INFORMATION. (a) The commission  
15 shall maintain a system to promptly and efficiently act on  
16 complaints filed with the commission. The commission shall  
17 maintain information about parties to the complaint, the subject  
18 matter of the complaint, a summary of the results of the review or  
19 investigation of the complaint, and its disposition.

20 (b) The commission shall make information available  
21 describing its procedures for complaint investigation and  
22 resolution.

23 (c) The commission shall periodically notify the complaint  
24 parties of the status of the complaint until final disposition  
25 unless the notice would jeopardize an investigation.

26 SECTION 5. Chapter 511, Government Code, is amended by  
27 adding Section 511.0081 to read as follows:

1       Sec. 511.0081. ADVISORY COMMITTEES. (a) The commission by  
2 rule may establish advisory committees to make recommendations to  
3 the commission on programs, rules, and policies administered by the  
4 commission.

5       (b) In establishing an advisory committee under this  
6 section, the commission shall adopt rules, including rules  
7 regarding:

8           (1) the purpose, role, responsibility, goals, and  
9 duration of the committee;

10          (2) the size of and quorum requirement for the  
11 committee;

12           (3) qualifications for committee membership;

13           (4) appointment procedures for members;

14           (5) terms of service for members;

15           (6) training requirements for members;

16           (7) policies to avoid conflicts of interest by  
17 members;

18           (8) a periodic review process to evaluate the  
19 continuing need for the committee; and

20           (9) policies to ensure the committee does not violate  
21 any provision of Chapter 551 applicable to the commission or the  
22 committee.

23       SECTION 6. Section 511.0085, Government Code, is amended by  
24 amending Subsection (b) and adding Subsection (c) to read as  
25 follows:

26       (b) The set of risk factors developed under this section may  
27 include the number of months since the commission's last inspection

1 of the jail.

2 (c) The commission shall use the set of risk factors  
3 developed under this section [~~Subsection (a)~~] to guide the  
4 inspections process for all jails under the commission's  
5 jurisdiction by:

6 (1) establishing a risk assessment plan to use in  
7 assessing the overall risk level of each jail; and

8 (2) regularly monitoring the overall risk level of  
9 each jail.

10 SECTION 7. Chapter [511](#), Government Code, is amended by  
11 adding Section 511.0086 to read as follows:

12 Sec. 511.0086. RISK-BASED INSPECTIONS. (a) The commission  
13 shall adopt a policy prioritizing the inspection of jails under the  
14 commission's jurisdiction based on the relative risk level of a  
15 jail. The policy must require the commission to use the risk  
16 assessment plan established under Section [511.0085](#) to:

17 (1) schedule announced and unannounced inspections of  
18 jails under the commission's jurisdiction; and

19 (2) determine how frequently and intensively the  
20 commission conducts risk-based inspections.

21 (b) The policy may provide for the commission to use  
22 alternative inspection methods for jails determined to be low-risk,  
23 including using abbreviated inspection procedures or other methods  
24 instead of conducting an in-person inspection.

25 SECTION 8. Section [511.009](#), Government Code, is amended by  
26 amending Subsections (a), (a-1), and (a-2) and adding Subsection  
27 (f) to read as follows:

1 (a) The commission shall:

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

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

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

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

14 (5) regularly review the commission's rules and  
15 procedures and revise, amend, or change the rules and procedures if  
16 necessary;

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

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

21 (8) require that the sheriff and commissioners of each  
22 county submit to the commission, on a form prescribed by the  
23 commission, an annual report on the conditions in each county jail  
24 within their jurisdiction, including all information necessary to  
25 determine compliance with state law, commission orders, and the  
26 rules adopted under this chapter;

27 (9) review the reports submitted under Subdivision (8)



1 and require commission employees to inspect county jails regularly  
2 to ensure compliance with state law, commission orders, and rules  
3 and procedures adopted under this chapter;

4 (10) adopt a classification system to assist sheriffs  
5 and judges in determining which defendants are low-risk and  
6 consequently suitable participants in a county jail work release  
7 program under Article 42.034, Code of Criminal Procedure;

8 (11) adopt rules relating to requirements for  
9 segregation of classes of inmates and to capacities for county  
10 jails;

11 ~~(12) [require that the chief jailer of each municipal~~  
12 ~~lockup submit to the commission, on a form prescribed by the~~  
13 ~~commission, an annual report of persons under 17 years of age~~  
14 ~~securely detained in the lockup, including all information~~  
15 ~~necessary to determine compliance with state law concerning secure~~  
16 ~~confinement of children in municipal lockups,~~

17 ~~[(13) at least annually determine whether each county~~  
18 ~~jail is in compliance with the rules and procedures adopted under~~  
19 ~~this chapter,~~

20 ~~[(14) require that the sheriff and commissioners court~~  
21 ~~of each county submit to the commission, on a form prescribed by the~~  
22 ~~commission, an annual report of persons under 17 years of age~~  
23 ~~securely detained in the county jail, including all information~~  
24 ~~necessary to determine compliance with state law concerning secure~~  
25 ~~confinement of children in county jails,~~

26 ~~[(15) schedule announced and unannounced inspections~~  
27 ~~of jails under the commission's jurisdiction using the risk~~

1 ~~assessment plan established under Section 511.0085 to guide the~~  
2 ~~inspections process,~~

3 ~~(16)~~ adopt a policy for gathering and distributing  
4 to jails under the commission's jurisdiction information  
5 regarding:

6 (A) common issues concerning jail  
7 administration;

8 (B) examples of successful strategies for  
9 maintaining compliance with state law and the rules, standards, and  
10 procedures of the commission; and

11 (C) solutions to operational challenges for  
12 jails;

13 (13) ~~(17)~~ report to the Texas Correctional Office on  
14 Offenders with Medical or Mental Impairments on a jail's compliance  
15 with Article 16.22, Code of Criminal Procedure;

16 (14) ~~(18)~~ adopt reasonable rules and procedures  
17 establishing minimum requirements for a county jail to:

18 (A) determine if a prisoner is pregnant;

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

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

27 (15) ~~(19)~~ provide guidelines to sheriffs regarding

1 contracts between a sheriff and another entity for the provision of  
2 food services to or the operation of a commissary in a jail under  
3 the commission's jurisdiction, including specific provisions  
4 regarding conflicts of interest and avoiding the appearance of  
5 impropriety;

6 (16) [~~(20)~~] adopt reasonable rules and procedures  
7 establishing minimum standards for prisoner visitation that  
8 provide each prisoner at a county jail with a minimum of two  
9 in-person, noncontact visitation periods per week of at least 20  
10 minutes duration each;

11 (17) [~~(21)~~] require the sheriff of each county to:

12 (A) investigate and verify the veteran status of  
13 each prisoner by using data made available from the Veterans  
14 Reentry Search Service (VRSS) operated by the United States  
15 Department of Veterans Affairs or a similar service; and

16 (B) use the data described by Paragraph (A) to  
17 assist prisoners who are veterans in applying for federal benefits  
18 or compensation for which the prisoners may be eligible under a  
19 program administered by the United States Department of Veterans  
20 Affairs;

21 (18) [~~(22)~~] adopt reasonable rules and procedures  
22 regarding visitation of a prisoner at a county jail by a guardian,  
23 as defined by Section [1002.012](#), Estates Code, that:

24 (A) allow visitation by a guardian to the same  
25 extent as the prisoner's next of kin, including placing the  
26 guardian on the prisoner's approved visitors list on the guardian's  
27 request and providing the guardian access to the prisoner during a

1 facility's standard visitation hours if the prisoner is otherwise  
2 eligible to receive visitors; and

3 (B) require the guardian to provide the sheriff  
4 with letters of guardianship issued as provided by Section  
5 [1106.001](#), Estates Code, before being allowed to visit the prisoner;

6 (19) [~~(23)~~] adopt reasonable rules and procedures to  
7 ensure the safety of prisoners, including rules and procedures that  
8 require a county jail to:

9 (A) give prisoners the ability to access a mental  
10 health professional at the jail or through a telemental health  
11 service 24 hours a day or, if a mental health professional is not at  
12 the county jail at the time, then require the jail to use all  
13 reasonable efforts to arrange for the inmate to have access to a  
14 mental health professional within a reasonable time;

15 (B) give prisoners the ability to access a health  
16 professional at the jail or through a telehealth service 24 hours a  
17 day or, if a health professional is unavailable at the jail or  
18 through a telehealth service, provide for a prisoner to be  
19 transported to access a health professional; and

20 (C) if funding is available under Section  
21 [511.019](#), install automated electronic sensors or cameras to ensure  
22 accurate and timely in-person checks of cells or groups of cells  
23 confining at-risk individuals; and

24 (20) [~~(24)~~] adopt reasonable rules and procedures  
25 establishing minimum standards for the quantity and quality of  
26 feminine hygiene products, including tampons in regular and large  
27 sizes and menstrual pads with wings in regular and large sizes,

1 provided to a female prisoner.

2 (a-1) A county jail that as of September 1, 2015, has  
3 incurred significant design, engineering, or construction costs to  
4 provide prisoner visitation that does not comply with a rule or  
5 procedure adopted under Subsection (a)(16) [~~(a)(20)~~], or does not  
6 have the physical plant capability to provide the in-person  
7 prisoner visitation required by a rule or procedure adopted under  
8 Subsection (a)(16) [~~(a)(20)~~], is not required to comply with any  
9 commission rule or procedure adopted under Subsection (a)(16)  
10 [~~(a)(20)~~].

11 (a-2) A commission rule or procedure adopted under  
12 Subsection (a)(16) [~~(a)(20)~~] may not restrict the authority of a  
13 county jail under the commission's rules in effect on September 1,  
14 2015, to limit prisoner visitation for disciplinary reasons.

15 (f) The commission's compliance with the requirements of  
16 this section, particularly the requirements regarding the adoption  
17 of rules and procedures, is not contingent on the enactment and  
18 becoming law of any additional legislation.

19 SECTION 9. Chapter 511, Government Code, is amended by  
20 adding Sections 511.00901, 511.00902, and 511.00903 to read as  
21 follows:

22 Sec. 511.00901. DUTY REGARDING MINIMUM STANDARDS. (a) The  
23 commission shall ensure that the minimum standards established  
24 under Section 511.009 take into consideration the needs and risks  
25 of the different types and sizes of jails under the commission's  
26 jurisdiction.

27 (b) The commission shall, on an ongoing basis, review the

1 minimum standards to identify any standards that do not account for  
2 the needs and risks of the different types and sizes of jails. In  
3 conducting the review, the commission shall solicit feedback from a  
4 diverse collection of jails, including those of different types and  
5 sizes.

6 (c) The commission shall revise any standards identified  
7 under Subsection (b) as the commission considers necessary. In  
8 revising a standard, the commission shall consider:

9 (1) establishing tiered or separate standards  
10 depending on the size, resources, or type of jail;

11 (2) clarifying or amending existing standards; and

12 (3) publishing guidance on the commission's rule  
13 interpretations.

14 (d) The commission may not lower any standard in effect on  
15 September 1, 2021, as a result of a review conducted under this  
16 section.

17 Sec. 511.00902. REINSPECTION. The commission shall adopt  
18 rules and procedures for reinspecting a jail following a  
19 determination by the commission that the jail is not in compliance  
20 with minimum standards. The rules and procedures must require the  
21 commission to:

22 (1) reinspect all jails not in compliance;

23 (2) establish a percentage of reinspections for which  
24 the commission shall assess the jail's compliance with all minimum  
25 standards, regardless of whether the jail was in compliance with a  
26 particular standard during the previous inspection; and

27 (3) randomly select the jails subject to a

1 reinspection described by Subdivision (2).

2 Sec. 511.00903. INSPECTION TREND ANALYSIS. The commission  
3 shall regularly analyze data collected during inspections or  
4 reported to the commission under this chapter to identify trends in  
5 noncompliance, inspection outcomes, serious incidents, and any  
6 other related area of jail operations.

7 SECTION 10. Chapter 511, Government Code, is amended by  
8 adding Section 511.0145 to read as follows:

9 Sec. 511.0145. ENFORCEMENT ACTIONS. (a) The commission  
10 shall adopt rules establishing a system of graduated, escalating  
11 enforcement actions the commission is authorized under this chapter  
12 to take against jails under the commission's jurisdiction that:

13 (1) have not made timely progress correcting  
14 noncompliance issues; or

15 (2) have failed multiple inspections within a certain  
16 number of years as determined by the commission.

17 (b) The rules must establish time frames for the commission  
18 to take certain graduated, escalating enforcement actions against  
19 jails.

20 (c) The commission shall develop a schedule of actions to  
21 guide the enforcement actions the commission may take under rules  
22 adopted under Subsection (a). The commission shall make the  
23 schedule available on any publicly accessible Internet website  
24 maintained by the commission. The schedule must:

25 (1) recommend the appropriate enforcement action  
26 based on the severity of the noncompliance; and

27 (2) include consideration of any:

1           (A) aggravating factors, including repeat  
2 violations and failing consecutive inspections; and

3           (B) mitigating factors.

4           SECTION 11. Section 511.019(c), Government Code, is amended  
5 to read as follows:

6           (c) Money in the fund may be appropriated only to the  
7 commission to pay for capital improvements that are required under  
8 Section 511.009(a)(19) [~~511.009(a)(23)~~].

9           SECTION 12. Section 511.021, Government Code, is amended by  
10 amending Subsections (a) and (b) and adding Subsection (c) to read  
11 as follows:

12           (a) On the death of a prisoner in a county jail, the  
13 commission shall appoint a law enforcement agency, other than the  
14 local law enforcement agency that operates the county jail, to  
15 investigate the death as soon as possible. Except as otherwise  
16 provided by Subsection (b), the appointed law enforcement agency  
17 shall conduct the investigation.

18           (b) A law enforcement agency appointed by the commission  
19 under Subsection (a) may present evidence to the commission that  
20 investigating the death would create a conflict of interest that  
21 cannot be mitigated by the law enforcement agency. If the  
22 commission determines that the conflict of interest cannot be  
23 mitigated, the commission shall appoint another law enforcement  
24 agency under Subsection (a) to investigate the death.

25           (c) The commission shall adopt any rules necessary relating  
26 to the appointment of a law enforcement agency under Subsection  
27 (a), including rules relating to cooperation between law



1 enforcement agencies and to procedures for handling evidence.

2 SECTION 13. Sections 511.0071(e) and (f), Government Code,  
3 are repealed.

4 SECTION 14. Not later than March 1, 2022, the Commission on  
5 Jail Standards shall develop the rules required by Section  
6 511.0071(g), Government Code, as added by this Act. Not later than  
7 April 1, 2022, each jail under the jurisdiction of the Commission on  
8 Jail Standards shall post the information and update the inmate  
9 handbooks as necessary to comply with the commission's rules  
10 adopted under that section.

11 SECTION 15. (a) Except as provided by Subsection (b) of this  
12 section, Section 511.00405, Government Code, as redesignated and  
13 amended by this Act, applies to a member of the Commission on Jail  
14 Standards appointed before, on, or after the effective date of this  
15 Act.

16 (b) A member of the Commission on Jail Standards who, before  
17 the effective date of this Act, completed the training program  
18 required by Section 511.004, Government Code, as that law existed  
19 before the effective date of this Act, is only required to complete  
20 additional training on the subjects added by this Act to the  
21 training program required by Section 511.00405, Government Code, as  
22 redesignated and amended by this Act. A member described by this  
23 subsection may not vote, deliberate, or be counted as a member in  
24 attendance at a meeting of the commission held on or after December  
25 1, 2021, until the member completes the additional training.

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