

BILL ANALYSIS

C.S.H.B. 1435
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County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Not all county jails have a consistent staff member acting as a liaison for communication between those incarcerated and their loved ones. Without a reliable point of contact, families cannot check on the health and well-being of their relatives in county jail. According to the Texas Justice Initiative, based on data reported to the Office of the Attorney General, Texas has averaged nearly 100 deaths a year in county jails since 2005. In February 2023, the FBI announced its intent to open a civil rights investigation following the deaths of two individuals in the Harris County Jail. In the previous year, Harris County Jail hit a record of 27 in-custody deaths--even surpassing Rikers Island. In 2019, Holly Barlow-Austin, a woman in a Bowie County jail, died two months after arriving at the jail due to fungal meningitis, which left her unrecognizable. During these two months, her family reported that despite numerous attempts, they were unable to hear about her well-being. Families of incarcerated individuals need a consistent staff member to communicate with so that they can share vital information about their loved one's medical history and well-being and share emergency information. C.S.H.B. 1435 seeks to help prevent medical neglect of people in custody at county jail facilities by requiring county sheriffs to designate a family liaison officer to facilitate communication between prisoners and their families.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1435 amends the Government Code to require the Commission on Jail Standards to require a county sheriff to designate at least one employee at the county jail to serve as a family liaison officer to facilitate communication between prisoners and their families. The bill requires the sheriff, in making the designation, to give preference to current employees with experience in social work, psychology, or a related field.

C.S.H.B. 1435 requires a family liaison officer to perform the following duties:

- provide, on request, prisoners' families with information about the classification status, confinement status, and health of prisoners at the county jail;
- notify prisoners' families within a reasonable time about emergencies involving prisoners, such as a medical emergency or death;
- notify prisoners within a reasonable time about emergencies involving their families; and

- provide prisoners with other necessary information relating to their families.

The bill prohibits a family liaison officer from disclosing information about a prisoner's health to a member of the prisoner's family unless the prisoner has authorized the release of the prisoner's medical information to that family member.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1435 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the requirement in the introduced for the sheriff to designate an employee as the family liaison officer by removing the reduction of recidivism as the purpose of the designation.

The substitute revises the requirement in the introduced for the sheriff to give preference to employees with certain experience in making the designation by clarifying that the sheriff must give preference to current employees with that experience.

The substitute revises duties of the family liaison officer in the introduced, as follows:

- by specifying that the duty for the officer to provide certain information to the prisoners' families is on request of that information;
- by omitting the requirement in the introduced for the officer to provide prisoners' families with information about the location of prisoners at the county jail;
- by including a requirement absent from the introduced for the officer to provide prisoners' families with information about the confinement status of prisoners at the county jail; and
- by requiring the officer to notify the prisoners' families regarding emergencies involving prisoners.