

BILL ANALYSIS

H.B. 1446
By: Cortez
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Department of Criminal Justice (TDCJ), like other state systems, was caught off-guard by the COVID-19 pandemic. Guidance from trusted health authorities was often contradictory or inadequate. Further, the prison system often lacked the authority to take decisive steps to reduce the population and mitigate the spread of the virus because release decisions are not within TDCJ purview. The crisis has demonstrated a need for clear guidance and authority that would give TDCJ the tools it needs to respond effectively in future crises such as epidemics, natural disasters, and similar emergencies. H.B. 1446 seeks to provide for a better response to future crises by requiring TDCJ to create an emergency response plan with operating procedures that will be implemented by correctional facilities during a declared disaster and establishing an advisory board to develop recommendations that are updated annually.

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

H.B. 1446 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ) to develop an emergency response plan to be implemented when responding to a disaster declared by the governor under the Texas Disaster Act of 1975 or by the U.S. president under the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act if any part of Texas is named in the federally declared disaster area. The emergency response plan must specify operating procedures that will be implemented by a correctional facility during a declared disaster, including evacuation procedures, guidelines for ensuring employee safety and well-being, and specified provisions regarding lockdowns or periods of inmate segregation, inmate participation in certain classes or programs, commissary access, in-person visitation, personal protective equipment for employees and inmates, and inmate access to medical care, medication, and personal hygiene items.

H.B. 1446 establishes an advisory board to develop and provide TDCJ with recommendations for the emergency response plan not later than March 1, 2024, and to update those recommendations and submit those recommendations to TDCJ not later than March 1 of each year thereafter. The bill does the following with respect to the advisory board:

- provides for its members, including the TDCJ executive director or the director's designee, the commissioner of state health services or the commissioner's designee, and members appointed by the governor who meet specified criteria;

- exempts the advisory board from statutory provisions governing state agency advisory committees with regard to its composition and duration;
- requires TDCJ to provide the advisory board with access to all relevant information necessary to develop and update the recommendations;
- requires the advisory board, in developing and updating the recommendations, to consider all strategies to plan for emergency situations, including plans to prevent interruptions to the provision of educational and rehabilitative programming to inmates;
- authorizes the advisory board to access any facility operated by or under contract with TDCJ; and
- if the TDCJ response to a declared disaster is inconsistent with the advisory board's recommendations, authorizes the advisory board to obtain any relevant data and reports and conduct interviews with inmates and other relevant persons to identify any consequences of the response.

H.B. 1446 requires TDCJ to develop the emergency response plan not later than the 180th day after the date the advisory board submits its recommendations.

EFFECTIVE DATE

September 1, 2023.