

BILL ANALYSIS

Senate Research Center
88R9204 MZM-D

S.B. 1146
By: West
Criminal Justice
4/21/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1146 proposes to address abhorrent conditions to which female inmates being transported from state jail and prison facilities to The University of Texas Medical Branch at Galveston or other medical facilities are subjected by the Texas Department of Criminal Justice's existing policies and procedures.

A committee substitute will mandate a number of changes to end inhumane conditions to which female inmates are being subjected during medical transport, including:

- Ensuring that any searches conducted are performed in an area and in a manner consistent with agency policies and procedures that ensure the privacy and dignity of female inmates and conform with the Prison Rape elimination Act of 2003;
- Ensuring that buses transporting inmates have an adequate supply of toilet paper and feminine hygiene products for the inmates being transported;
- Ensuring that female inmates receive sufficient food and nutrition; and
- Ensuring that buses used to transport female inmates are equipped with bathrooms.

The legislation further requires TDCJ, in cooperation with The University of Texas Medical Branch at Galveston and other state health-related institutions providing medical care to inmates, to expand access to telemedicine and telehealth, including onsite mobile care units that provide diagnostic imaging, physical therapy, and other appropriate mobile services.

As proposed, S.B. 1146 amends current law relating to the medical transportation and care for certain inmates in the Texas Department of Criminal Justice.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amend Subchapter B, Chapter 501, Government Code, by adding Sections 501.0515 and 501.071, as follows:

Sec. 501.0515. PROCEDURES FOR TRANSFORMATION OF FEMALE INMATES FOR MEDICAL CARE. Requires the Texas Department of Criminal Justice (TDCJ) to establish procedures to be used during the regularly scheduled transportation of female inmates for nonemergency medical care to The University of Texas Medical Branch at Galveston or another medical facility that provides medical services for inmates. Requires that the procedures:

- (1) prohibit the use of restraints around the ankles, legs, wrists, or waist of a female inmate in a manner that connects the inmate to another inmate;
- (2) prohibit a correctional officer from conducting an invasive body cavity search of a female inmate unless the officer has a reasonable belief that the inmate is concealing contraband;

(3) require a correctional officer who conducts a search described by Subdivision (2) to submit a written report to the warden in the manner prescribed by Section 501.0665(b) (relating to authorizing a correctional officer to conduct an invasive body cavity search of a pregnant inmate under certain circumstances);

(4) allow female inmates to bring toilet paper and feminine hygiene products as defined by Section 501.0675 (Provision of Feminine Hygiene Products);

(5) ensure that female inmates receive sufficient food;

(6) ensure that facilities used to house female inmates overnight while being transported have an adequate number of beds for the inmates being transported; and

(7) ensure that buses used to transport female inmates are equipped with bathrooms that have ergonomically designed toilets and afford privacy to the user.

Sec. 501.071. ACCESS TO TELEMEDICINE AND TELEHEALTH SERVICES AND ON-SITE MEDICAL CARE. Requires TDCJ, in conjunction with The University of Texas Medical Branch at Galveston and the Texas Tech University Health Sciences Center, to establish procedures to increase opportunities and expand access to telemedicine medical services and telehealth services, as those terms are defined by Section 111.001 (Definitions), Occupations Code, and on-site medical care for inmates, including on-site mobile care units that provide diagnostic imaging, physical therapy, and other appropriate mobile health services.

SECTION 2. Requires TDCJ to establish the procedures required by Sections 501.0515 and 501.071, Government Code, as added by this Act, not later than December 1, 2023.

SECTION 3. Requires TDCJ to submit a report to the legislature on TDCJ progress in increasing opportunities and expanding access to telemedicine medical services and telehealth services and on-site medical care for inmates under Section 501.071, Government Code, as added by this Act, including a summary of the procedures established under that section and the number of inmates who received services or care under those procedures, not later than December 1, 2024.

SECTION 4. Effective date: September 1, 2023.