

BILL ANALYSIS

Senate Research Center
88R24780 MZM-D

C.S.S.B. 1896
By: Birdwell
Criminal Justice
4/25/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, if an inmate dies while in custody of a law enforcement agency, the agency must immediately notify a justice of the peace. From there, an inquiry into the cause of death will begin to determine if the evidence indicates any wrongdoing. Generally, the death of an inmate requires a full investigation by an outside law enforcement agency. There are two exceptions where that does not apply: if the individual dies of natural causes while attended by a physician or is lawfully executed. There are instances, however, when an inmate's death does not indicate wrongdoing nor does it fall within the two exceptions. Unexpected, natural deaths, such as cardiac arrest or cancer, often occur outside the supervision of a doctor and should not require a full scale investigation by a district attorney, law enforcement agency, or a grand jury.

C.S.S.B. 1896 would reform regulations regarding the natural or unexpected death of an inmate in the custody of law enforcement or in incarceration to ensure that lawful or natural deaths and deaths that do not indicate wrongdoing do not require a full criminal investigation.

Committee Substitute:

C.S.S.B. 1896 would limit the bill to ensure that natural deaths in a county jail do not require a full criminal investigation. Although a full investigation would not be required, the cause of death would still need to be determined by a physician.

C.S.S.B. 1896 amends current law relating to the investigation of the death of a prisoner in county jail.

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. Amends Section 511.021(a), Government Code, as follows:

- (a) Requires the Texas Commission on Jail Standards, on the death of a prisoner in a county jail, other than a death from natural causes as determined by a physician during an autopsy or examination of the deceased prisoner, to appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

SECTION 2. Effective date: September 1, 2023.