88R3912 MZM-D

By:  Bowers, Allen, Rose, et al. H.B. No. 2044

A BILL TO BE ENTITLED

AN ACT

relating to depression screenings for certain women in county jail or in the custody of the Texas Department of Criminal Justice.

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

SECTION 1.  Subchapter B, Chapter 501, Government Code, is amended by adding Section 501.0655 to read as follows:

Sec. 501.0655.  DEPRESSION SCREENING FOR PREGNANT INMATE. The department shall ensure that each inmate who is pregnant or has given birth in the preceding year is screened for depression:

(1)  once each trimester during the pregnancy;

(2)  once during the six-week period after giving birth; and

(3)  at 6 and 12 months after giving birth.

SECTION 2.  Section 511.009(a), Government Code, is amended to read as follows:

(a)  The commission shall:

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

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

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

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

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

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

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

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

(9)  review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;

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

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

(12)  adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:

(A)  common issues concerning jail administration;

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

(C)  solutions to operational challenges for jails;

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

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

(A)  determine if a prisoner is pregnant;

(B)  ensure that the jail's health services plan addresses:

(i)  medical care, including obstetrical and gynecological care;

(ii)  [~~,~~] mental health care, including a requirement that each prisoner who is pregnant or has given birth in the preceding year be screened for depression:

(a)  once each trimester during the pregnancy;

(b)  once during the six-week period after giving birth; and

(c)  at 6 and 12 months after giving birth;

(iii) nutritional requirements; [~~,~~] and

(iv) any special housing or work assignment needs for prisoners who are known or determined to be pregnant; and

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

(15)  provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety;

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

(17)  require the sheriff of each county to:

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

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

(18)  adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A)  allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

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

(19)  adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

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

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

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

(20)  adopt reasonable rules and procedures establishing minimum standards for the quantity and quality of feminine hygiene products, including tampons in regular and large sizes and menstrual pads with wings in regular and large sizes, provided to a female prisoner.

SECTION 3.  Not later than December 1, 2023, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a), Government Code, as amended by this Act.

SECTION 4.  This Act takes effect September 1, 2023.