

By: Romero, Jr.

H.B. No. 2749

A BILL TO BE ENTITLED

AN ACT

relating to the verification of the veteran status of inmates and prisoners.

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

SECTION 1. Section 8(a), Article 42.09, Code of Criminal Procedure, is amended to read as follows:

(a) A county that transfers a defendant to the Texas Department of Criminal Justice under this article shall deliver to an officer designated by the department:

(1) a copy of the judgment entered pursuant to Article 42.01, completed on a standardized felony judgment form described by Section 4 of that article;

(2) a copy of any order revoking community supervision and imposing sentence pursuant to Article 42A.755, including:

(A) any amounts owed for restitution, fines, and court costs, completed on a standardized felony judgment form described by Section 4, Article 42.01; and

(B) a copy of the client supervision plan prepared for the defendant by the community supervision and corrections department supervising the defendant, if such a plan was prepared;

(3) a written report that states the nature and the seriousness of each offense and that states the citation to the provision or provisions of the Penal Code or other law under which

1 the defendant was convicted;

2 (4) a copy of the victim impact statement, if one has
3 been prepared in the case under Subchapter D, Chapter 56A;

4 (5) a statement as to whether there was a change in
5 venue in the case and, if so, the names of the county prosecuting
6 the offense and the county in which the case was tried;

7 (6) if requested, information regarding the criminal
8 history of the defendant, including the defendant's state
9 identification number if the number has been issued;

10 (7) a copy of the indictment or information for each
11 offense;

12 (8) a checklist sent by the department to the county
13 and completed by the county in a manner indicating that the
14 documents required by this subsection and Subsection (c) accompany
15 the defendant;

16 (9) if prepared, a copy of a presentence or
17 postsentence report prepared under Subchapter F, Chapter 42A;

18 (10) a copy of any detainer, issued by an agency of the
19 federal government, that is in the possession of the county and that
20 has been placed on the defendant;

21 (11) if prepared, a copy of the defendant's Texas
22 Uniform Health Status Update Form;

23 (12) a written description of a hold or warrant,
24 issued by any other jurisdiction, that the county is aware of and
25 that has been placed on or issued for the defendant; ~~and~~

26 (13) a copy of any mental health records, mental
27 health screening reports, or similar information regarding the

1 mental health of the defendant; and

2 (14) the veteran status of the defendant as determined
3 by an investigation conducted in accordance with Section
4 511.009(a)(17)(A), Government Code.

5 SECTION 2. Section 501.024(b), Government Code, is amended
6 to read as follows:

7 (b) The department shall:

8 (1) in consultation with the Texas Veterans
9 Commission, investigate and verify the veteran status of each
10 inmate by using the best available federal data; and

11 (2) use the data described by Subdivision (1) to
12 assist inmates who are veterans in applying for federal benefits or
13 compensation for which the inmates may be eligible under a program
14 administered by the United States Department of Veterans Affairs,
15 including mailing any related paperwork, application, or other
16 correspondence on behalf of and at no charge to the inmate.

17 SECTION 3. Section 511.009(a), Government Code, is amended
18 to read as follows:

19 (a) The commission shall:

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

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

26 (3) adopt reasonable rules establishing minimum
27 standards for the number of jail supervisory personnel and for

1 programs and services to meet the needs of prisoners;

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

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

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

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

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

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

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

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

1 jails;

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

4 (A) common issues concerning jail
5 administration;

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

9 (C) solutions to operational challenges for
10 jails;

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

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

16 (A) determine if a prisoner is pregnant;

17 (B) ensure that the jail's health services plan
18 addresses medical care, including obstetrical and gynecological
19 care, mental health care, nutritional requirements, and any special
20 housing or work assignment needs for prisoners who are known or
21 determined to be pregnant; and

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

25 (15) provide guidelines to sheriffs regarding
26 contracts between a sheriff and another entity for the provision of
27 food services to or the operation of a commissary in a jail under

1 the commission's jurisdiction, including specific provisions
2 regarding conflicts of interest and avoiding the appearance of
3 impropriety;

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

9 (17) require the sheriff of each county to:

10 (A) investigate and verify the veteran status of
11 each prisoner during the intake process by using data made
12 available from the Veterans Reentry Search Service (VRSS) operated
13 by the United States Department of Veterans Affairs or a similar
14 service; ~~and~~

15 (B) use the data described by Paragraph (A) to
16 assist prisoners who are veterans in applying for federal benefits
17 or compensation for which the prisoners may be eligible under a
18 program administered by the United States Department of Veterans
19 Affairs, including providing the prisoner on verification of the
20 prisoner's veteran status with a prepaid postcard that is supplied
21 by the Texas Veterans Commission for purposes of requesting
22 assistance in applying for veterans benefits;

23 (C) submit a daily report identifying each
24 prisoner whose veteran status was verified under Paragraph (A)
25 during the previous day to the Texas Veterans Commission and, as
26 applicable, the veterans county service officer for the county and
27 each court in which charges against a prisoner identified in the

1 report are pending; and

2 (D) allow for a prisoner whose veteran status has
3 been verified under Paragraph (A) to have in-person or video
4 visitation with the veterans county service officer for the county
5 or a peer service coordinator at no cost to the prisoner;

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

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

15 (B) require the guardian to provide the sheriff
16 with letters of guardianship issued as provided by Section
17 1106.001, Estates Code, before being allowed to visit the prisoner;

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

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

27 (B) give prisoners the ability to access a health

1 professional at the jail or through a telehealth service 24 hours a
2 day or, if a health professional is unavailable at the jail or
3 through a telehealth service, provide for a prisoner to be
4 transported to access a health professional; and

5 (C) if funding is available under Section
6 511.019, install automated electronic sensors or cameras to ensure
7 accurate and timely in-person checks of cells or groups of cells
8 confining at-risk individuals; and

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

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