

By: West

S.B. No. 1078

A BILL TO BE ENTITLED

AN ACT

relating to certain searches of female inmates by the Texas Department of Criminal Justice.

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

SECTION 1. Section 501.026, Government Code, is amended to read as follows:

Sec. 501.026. LIMITATION ON CERTAIN SEARCHES. (a) The department shall adopt a policy regarding a search of any room or other area that occurs while a female inmate who is not fully clothed is present in the room or area. The policy must:

(1) require that the search be conducted by a female correctional officer if one is available;

(2) include staffing procedures to ensure the availability of female officers; and

(3) provide that if it is necessary for a male correctional officer to conduct the search, the officer must submit a written report explaining the reasons for the search to the warden not later than 72 hours after the search.

(b) The department shall adopt a policy regarding a search of a female inmate who is accessing programs offered to inmates in the custody of the department, including educational, vocational, substance use treatment, rehabilitation, life skills training, and prerelease programs. The policy may not permit a visual body cavity search except in exigent circumstances or under a reasonable

1 suspicion that a visual body cavity search is warranted.

2 (c) For purposes of Subsection (b):

3 (1) "Exigent circumstances" means a set of temporary
4 and unforeseen circumstances that require immediate action in order
5 to combat a threat to the security or institutional order of a
6 facility. The term does not include routine access to programs
7 offered to an inmate in the custody of the department, including
8 educational, vocational, substance use treatment, rehabilitation,
9 life skills training, and prerelease programs.

10 (2) "Visual body cavity search" means the observation
11 of an inmate with all clothing removed to permit a visual inspection
12 of the inmate's anal or genital opening.

13 SECTION 2. As soon as practicable after the effective date
14 of this Act, the Texas Department of Criminal Justice shall adopt
15 the policy required by Section 501.026(b), Government Code, as
16 added by this Act.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2025.