

AN ACT

relating to a review of and report regarding the use of adult and juvenile administrative segregation in facilities in this state.

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

SECTION 1. Chapter 203, Human Resources Code, is amended by adding Section 203.016 to read as follows:

Sec. 203.016. DATA REGARDING PLACEMENT IN DISCIPLINARY SECLUSION. (a) In this section:

(1) "Disciplinary seclusion" means the separation of a resident from other residents for disciplinary reasons and the placement of the resident alone in an area from which egress is prevented for more than 90 minutes.

(2) "Juvenile facility" means a facility that serves juveniles under juvenile court jurisdiction and that is operated as a pre-adjudication secure detention facility, a short-term detention facility, or a post-adjudication secure correctional facility.

(b) The department shall collect the following data during the annual registration of juvenile facilities and make the data publicly available:

(1) the number of placements in disciplinary seclusion lasting at least 90 minutes but less than 24 hours;

(2) the number of placements in disciplinary seclusion lasting 24 hours or more but less than 48 hours; and

1 (3) the number of placements in disciplinary seclusion
2 lasting 48 hours or more.

3 SECTION 2. DEFINITION. In this Act, "facility" means:

4 (1) a facility operated by or under contract with the
5 Texas Department of Criminal Justice;

6 (2) a facility operated by a municipality, or a
7 private vendor on behalf of a municipality, for the confinement of a
8 person arrested for, charged with, or convicted of a criminal
9 offense; or

10 (3) a public or private juvenile secure detention
11 facility.

12 SECTION 3. REVIEW OF ADMINISTRATIVE SEGREGATION POLICIES.

13 Subject to the availability of funds from gifts, grants, and
14 donations accepted under Section 4 of this Act, the Criminal
15 Justice Legislative Oversight Committee shall appoint an
16 independent third party to conduct a review of facilities in this
17 state regarding the facilities' use of adult and juvenile
18 administrative segregation and related statistics, including:

19 (1) classification to administrative segregation and
20 release from administrative segregation;

21 (2) security threat group classification;

22 (3) notification of release and release procedures;

23 (4) access of adults and juveniles confined in
24 administrative segregation to:

25 (A) mental health services;

26 (B) health care services;

27 (C) substance abuse programs and services;

1 (D) reentry resources and transitional programs
2 and services; and

3 (E) other programs and services that are
4 available to the general adult and juvenile population;

5 (5) access of adults confined in administrative
6 segregation to programs and services for adults who are veterans;

7 (6) the number of adults and juveniles confined in
8 administrative segregation who were referred to mental health
9 professionals;

10 (7) the average length of time adults and juveniles
11 were continuously confined in administrative segregation; and

12 (8) the rate of recidivism among adults and juveniles
13 who were confined in administrative segregation at any time.

14 SECTION 4. ACCEPTANCE OF GIFTS, GRANTS, AND DONATIONS.

15 (a) For the purpose of funding the third-party review under
16 Section 3 of this Act, the Criminal Justice Legislative Oversight
17 Committee may:

18 (1) apply for and accept:

19 (A) gifts, grants, and donations from any
20 organization described in Section 501(c)(3) or (4) of the Internal
21 Revenue Code of 1986; and

22 (B) federal grants; and

23 (2) accept donations from an individual or a private
24 entity.

25 (b) All gifts, grants, and donations must be reported in the
26 public records of the Criminal Justice Legislative Oversight
27 Committee with the name of the donor and purpose of the gift, grant,

1 or donation accepted.

2 SECTION 5. REPORT. Not later than December 31, 2014, the
3 independent third party shall provide a report of the third party's
4 findings and recommendations to the governor, the lieutenant
5 governor, the speaker of the house of representatives, and the
6 standing legislative committees with primary jurisdiction over
7 criminal justice matters. At a minimum, the report must contain
8 detailed recommendations to:

9 (1) reduce the administrative segregation population
10 in facilities in this state;

11 (2) divert adults and juveniles with mental illness
12 from administrative segregation; and

13 (3) decrease the length of time adults and juveniles
14 are confined in administrative segregation in facilities in this
15 state.

16 SECTION 6. PUBLIC INFORMATION. Chapter 552, Government
17 Code, applies to:

18 (1) the review conducted by the independent third
19 party under this Act and all information gathered and analyzed for
20 that review, including background research and any report or
21 summary;

22 (2) the report submitted by the independent third
23 party under Section 5 of this Act; and

24 (3) all information collected, created, or stored
25 under this Act by the Criminal Justice Legislative Oversight
26 Committee.

27 SECTION 7. EXPIRATION. This Act expires February 1, 2015.

1 SECTION 8. EFFECTIVE DATE. This Act takes effect September
2 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1003 passed the Senate on April 29, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 24, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1003 passed the House, with amendments, on May 22, 2013, by the following vote: Yeas 133, Nays 13, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor