

1-1 By: Marquez, et al. (Senate Sponsor - Davis) H.B. No. 3654
1-2 (In the Senate - Received from the House April 29, 2009;
1-3 May 4, 2009, read first time and referred to Committee on Criminal
1-4 Justice; May 22, 2009, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to certain duties of and reports submitted to the
1-9 Commission on Jail Standards regarding county jail inmates who are
1-10 pregnant.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 511.009(a), Government Code, is amended
1-13 to read as follows:

1-14 (a) The commission shall:

1-15 (1) adopt reasonable rules and procedures
1-16 establishing minimum standards for the construction, equipment,
1-17 maintenance, and operation of county jails;

1-18 (2) adopt reasonable rules and procedures
1-19 establishing minimum standards for the custody, care, and treatment
1-20 of prisoners;

1-21 (3) adopt reasonable rules establishing minimum
1-22 standards for the number of jail supervisory personnel and for
1-23 programs and services to meet the needs of prisoners;

1-24 (4) adopt reasonable rules and procedures
1-25 establishing minimum requirements for programs of rehabilitation,
1-26 education, and recreation in county jails;

1-27 (5) revise, amend, or change rules and procedures if
1-28 necessary;

1-29 (6) provide to local government officials
1-30 consultation on and technical assistance for county jails;

1-31 (7) review and comment on plans for the construction
1-32 and major modification or renovation of county jails;

1-33 (8) require that the sheriff and commissioners of each
1-34 county submit to the commission, on a form prescribed by the
1-35 commission, an annual report on the conditions in each county jail
1-36 within their jurisdiction, including all information necessary to
1-37 determine compliance with state law, commission orders, and the
1-38 rules adopted under this chapter;

1-39 (9) review the reports submitted under Subdivision (8)
1-40 and require commission employees to inspect county jails regularly
1-41 to ensure compliance with state law, commission orders, and rules
1-42 and procedures adopted under this chapter;

1-43 (10) adopt a classification system to assist sheriffs
1-44 and judges in determining which defendants are low-risk and
1-45 consequently suitable participants in a county jail work release
1-46 program under Article 42.034, Code of Criminal Procedure;

1-47 (11) adopt rules relating to requirements for
1-48 segregation of classes of inmates and to capacities for county
1-49 jails;

1-50 (12) require that the chief jailer of each municipal
1-51 lockup submit to the commission, on a form prescribed by the
1-52 commission, an annual report of persons under 17 years of age
1-53 securely detained in the lockup, including all information
1-54 necessary to determine compliance with state law concerning secure
1-55 confinement of children in municipal lockups;

1-56 (13) at least annually determine whether each county
1-57 jail is in compliance with the rules and procedures adopted under
1-58 this chapter;

1-59 (14) require that the sheriff and commissioners court
1-60 of each county submit to the commission, on a form prescribed by the
1-61 commission, an annual report of persons under 17 years of age
1-62 securely detained in the county jail, including all information
1-63 necessary to determine compliance with state law concerning secure
1-64 confinement of children in county jails; ~~and~~

2-1 (15) schedule announced and unannounced inspections
 2-2 of jails under its jurisdiction based on the jail's history of
 2-3 compliance with commission standards and other high-risk factors
 2-4 identified by the commission; and
 2-5 (16) adopt reasonable rules and procedures
 2-6 establishing minimum requirements for county jails to:
 2-7 (A) determine if a prisoner is pregnant; and
 2-8 (B) ensure that the jail's health services plan
 2-9 addresses medical and mental health care, including nutritional
 2-10 requirements, and any special housing or work assignment needs for
 2-11 persons who are confined in the jail and are known or determined to
 2-12 be pregnant.

2-13 SECTION 2. Section 511.0101(a), Government Code, is amended
 2-14 to read as follows:

2-15 (a) Each county shall submit to the commission on or before
 2-16 the fifth day of each month a report containing the following
 2-17 information:

2-18 (1) the number of prisoners confined in the county
 2-19 jail on the first day of the month, classified on the basis of the
 2-20 following categories:

- 2-21 (A) total prisoners;
- 2-22 (B) pretrial Class C misdemeanor offenders;
- 2-23 (C) pretrial Class A and B misdemeanor offenders;
- 2-24 (D) convicted misdemeanor offenders;
- 2-25 (E) felony offenders whose penalty has been
 2-26 reduced to a misdemeanor;
- 2-27 (F) pretrial felony offenders;
- 2-28 (G) convicted felony offenders;
- 2-29 (H) prisoners detained on bench warrants;
- 2-30 (I) prisoners detained for parole violations;
- 2-31 (J) prisoners detained for federal officers;
- 2-32 (K) prisoners awaiting transfer to the
 2-33 institutional division of the Texas Department of Criminal Justice
 2-34 following conviction of a felony or revocation of probation,
 2-35 parole, or release on mandatory supervision and for whom paperwork
 2-36 and processing required for transfer have been completed;
- 2-37 (L) prisoners detained after having been
 2-38 transferred from another jail and for whom the commission has made a
 2-39 payment under Subchapter F, Chapter 499, Government Code; ~~and~~
- 2-40 (M) prisoners who are known to be pregnant; and
- 2-41 (N) other prisoners;

2-42 (2) the total capacity of the county jail on the first
 2-43 day of the month; and

2-44 (3) certification by the reporting official that the
 2-45 information in the report is accurate.

2-46 SECTION 3. The Commission on Jail Standards shall establish
 2-47 the specific standards as required by Section 511.009(a),
 2-48 Government Code, as amended by this Act, not later than January 1,
 2-49 2010.

2-50 SECTION 4. A county shall submit the first report required
 2-51 by Section 511.0101, Government Code, as amended by this Act, not
 2-52 later than October 5, 2009.

2-53 SECTION 5. This Act takes effect September 1, 2009.

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