

**TEXAS CRIMINAL JUSTICE COALITION  
BILL ANALYSES**

COMMITTEE: Corrections  
TIME & DATE: 8:00 AM, Thursday, March 7, 2019  
PLACE: E2.030  
CHAIR: Rep. James White

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**[HB 573](#)**

**Author:** Dutton

**Caption:** Relating to the restoration of certain rights to a criminal defendant.

**TCJC Analysis:** A person convicted of a Texas crime can apply for a restoration of any civil rights three years after the sentence is completed, provided s/he has never been convicted of any other offense, inside or outside Texas.

**TCJC Position:** Support

**[HB 574](#)**

**Author:** Dutton

**Caption:** Relating to the consequences of successfully completing a period of deferred adjudication community supervision.

**TCJC Analysis:** Successfully completing deferred adjudication community supervision (by a dismissal and discharge) cannot be used as grounds for denying housing, employment, or a professional license.

**TCJC Position:** Support

**[HB 428](#)**

**Author:** Shaheen

**Caption:** Relating to the solicitation of pen pals by certain inmates of the Texas Department of Criminal Justice.

**TCJC Analysis:** TDCJ must adopt a policy pertaining to incarcerated individuals who have committed an offense warranting sex offender registration, prohibiting them from soliciting a pen pal online.

**[HB 1374](#)**

**Author:** Hernandez

**Caption:** Relating to grants for the development and operation of pretrial intervention programs for defendants who are the primary caretaker of a child.

**TCJC Analysis:** CJAD may award grants to probation departments, municipalities, or counties to develop and operate pretrial intervention programs for defendants who are the primary caretakers of children under 18 years of age.

**TCJC Position:** Support

### [HB 1389](#)

**Author:** Thompson, Senfronia | et al.

**Caption:** Relating to the placement on community supervision, including deferred adjudication community supervision, of a defendant who is the primary caretaker of a child.

**TCJC Analysis:** On a written motion by a defendant who's the primary caretaker of a child and who's charged with an offense eligible for deferred adjudication community supervision, the court must, after finding guilt, consider the defendant's status as a primary caretaker and make written findings of that status; at that point, the court can place the defendant on deferred adjudication community supervision. If a defendant has not made the motion, the court can still decide that it's in the best interest of society, the defendant, or the defendant's children to place the defendant on deferred adjudication community supervision. The court may impose conditions that emphasize: rehabilitation in a community setting, parent-child unity, and support for the parent-child relationship. More specifically, these conditions may include alcohol or substance abuse counseling or treatment; domestic violence education and prevention; physical or sexual abuse counseling; anger management; vocational, technical, or career education or training; housing assistance; parenting skills; family or individual counseling; or family case management services. A defendant may not be required to be incarcerated unless the court proceeds with an adjudication of guilt. This bill also includes the exact same provisions for a primary caretaker convicted of an offense eligible for traditional community supervision. However, in that instance, the court may require incarceration as a condition of probation if the defendant violated a condition or had his or her probation revoked; at that point, the court must first make a written finding of primary caretaker status.

**TCJC Position:** Support

### [HB 659](#)

**Author:** White

**Caption:** Relating to the collection of information regarding the parental status of inmates of the Texas Department of Criminal Justice.

**TCJC Analysis:** TDCJ must maintain and annually update statistical information on the number of incarcerated individuals who are parents of a child of any age. It must also annually report a summary of that information to TEA and DFPS.

**TCJC Position:** Support

### [HB 650](#)

**Author:** White | et al.

**Caption:** Relating to female inmates of the Texas Department of Criminal Justice.

**TCJC Analysis:** This bill takes various steps to improve outcomes for justice system-involved women:

- Correctional officer training related to medical and mental health care for pregnant women;
- Pregnancy and parenting classes, including on prenatal care, the effects of prenatal exposure to drugs and alcohol on the fetus, and medical and mental health issues applicable to children;

- Nutritional support for pregnant women, including sufficient food and dietary supplements;
- Limits on invasive searches of pregnant women (to be conducted only by a medical professional, or by a correctional officer if it's believed that the woman is concealing contraband – which then warrants a written report to the warden within 3 days of the search);
- A prohibition on shackling women while pregnant or within a month afterwards, unless needed to protect the woman, her infant, or another person;
- A prohibition on solitary confinement for pregnant women and those who gave birth within the previous month, unless needed to protect the woman, her infant, or another person, or to prevent escape;
- A prohibition on beds for pregnant women that are higher than 3 feet above the floor;
- 72-hour post-delivery care, where the infant can remain with the mother (unless it would pose a health or safety risk to either), and nutritional/hygiene products necessary to care for the infant;
- Visitation twice weekly with children under 18 years of age, with restrictions only for security concerns;
- Searches of women conducted only by female correctional officers, with a written report to the warden within 3 days if a search was conducted by a man; and
- Free feminine hygiene products for indigent women, and access to such products for other women in all facilities.

**TCJC Position:** Support

## **HR 217**

**Author:** Reynolds

**Caption:** Honoring the Convict Leasing and Labor Project for its contributions.

**TCJC Analysis:** Among other things, this resolution honors the Convict Leasing and Labor Project for: working with Sugar Land and its school district to develop an appropriate memorial for victims of convict leasing, seeking a permanent museum of slavery and convict leasing, and networking with prison reform activists and organizations striving to end the contemporary practice of forced labor in prisons across the country.

**TCJC Position:** Support