

BILL ANALYSIS

C.S.H.B. 4117
By: Coleman
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that rising costs and health care provider shortages hinder the ability of county jails, especially those in rural areas, to provide access to mental health professionals. C.S.H.B. 4117 seeks to address this issue by creating the county jail telemental health fund.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Commission on Jail Standards in SECTIONS 1 and 2 of this bill.

ANALYSIS

C.S.H.B. 4117 amends the Government Code to create the county jail telemental health fund as a dedicated account in the general revenue fund. The bill establishes that the fund consists of appropriations of money to the fund by the legislature and gifts, grants, and other donations received for the fund, including grants from the federal government. The bill restricts appropriation of money in the fund to the Commission on Jail Standards to pay for programs, training, and capital improvements necessary to implement or improve telemental health services in a county jail with a certified capacity of 96 prisoners or fewer. The bill authorizes the commission by rule to establish a grant program to provide grants to counties to fund programs, training, or capital improvements in such a county jail.

C.S.H.B. 4117 requires the commission, not later than September 1, 2018, to adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to have the ability to access a mental health professional on site or through a telemental health service 24 hours a day. The bill requires a county jail, on and after September 1, 2020, to comply with any such rule or procedure.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4117 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(a) The commission shall:

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

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

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

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

(5) revise, amend, or change rules and procedures if necessary;

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

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

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

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

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

(11) adopt rules relating to requirements for segregation of classes of inmates and to

capacities for county jails;

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

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

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

(15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;

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

(A) common issues concerning jail administration;

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

(C) solutions to operational challenges for jails;

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

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and

another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; ~~and~~

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

(21) ~~[(20)]~~ require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) ~~[(20)]~~ adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

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

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

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to have the ability to access a mental health professional on site or through a telemental health service 24 hours a day.

SECTION 1. Chapter 511, Government Code, is amended by adding Section 511.019 to read as follows:

SECTION 2. Chapter 511, Government Code, is amended by adding Section 511.019 to read as follows:

Sec. 511.019. COUNTY JAIL
TELEMENTAL HEALTH FUND.

(a) The county jail telemental health fund is a dedicated account in the general revenue fund.

(b) The county jail telemental health fund consists of:

(1) appropriations of money to the fund by the legislature; and

(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for programs, training, and capital improvements necessary to implement or improve telemental health services in county jails located in counties with a population of less than 100,000.

(d) The commission by rule may establish a grant program to provide grants to counties described by Subsection (c) to fund programs, training, or capital improvements described by that subsection.

No equivalent provision.

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SECTION 2. This Act takes effect September 1, 2017.

Sec. 511.019. COUNTY JAIL
TELEMENTAL HEALTH FUND.

(a) Same as introduced version.

(b) Same as introduced version.

(c) Money in the fund may be appropriated only to the commission to pay for programs, training, and capital improvements necessary to implement or improve telemental health services in a county jail with a certified capacity of 96 prisoners or fewer.

(d) The commission by rule may establish a grant program to provide grants to counties to fund programs, training, or capital improvements in a county jail described by Subsection (c).

SECTION 3. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this Act. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that section.

SECTION 4. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5. Same as introduced version.