

## **BILL ANALYSIS**

Senate Research Center  
80R7715 HLT-F

H.B. 1944  
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Criminal Justice  
5/13/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Sexual assault in Texas prisons is a problem that affects prisoners of all ages. Currently, a shortage of correctional staff and inadequate training has led to ineffective prevention, reporting, and investigation of sexual assault allegations.

A Bureau of Justice Statistics report found that, in 2005, 36 percent of all reported prison rapes in the U.S. occurred in Texas. However, these numbers may be seen as conservative estimates due to the fact that such assaults often go unreported and inmate victims do not receive treatment. Prison staff may not be adequately trained to prevent, report, or treat victims of sexual assault, leading to increased cases of HIV and increases in the overall cost of prison health care. Victims of prison rape suffer physical and psychological effects that may impede their ability to reintegrate into their communities and maintain stable employment.

H.B. 1944 creates a position of ombudsperson in the Office of the Inspector General to monitor prevention and investigation policies to ensure impartial resolution of inmate complaints of sexual assault.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 501, Government Code, by adding Subchapter F, as follows:

#### **SUBCHAPTER F. ELIMINATION OF SEXUAL ASSAULT AGAINST INMATES**

Sec. 501.171. DEFINITIONS. Defines "correctional facility" and "inmate."

Sec. 501.172. APPOINTMENT OF OMBUDSPERSON. Requires the Texas Board of Criminal Justice to appoint an ombudsperson to coordinate the Texas Department of Criminal Justice's (TDCJ) efforts to eliminate the occurrence of sexual assault in correctional facilities. Provides that the ombudsperson is based in the office of the inspector general.

Sec. 501.173. POWERS AND DUTIES OF OMBUDSPERSON. (a) Sets forth the powers and duties of the ombudsperson.

(b) Authorizes the ombudsperson to collect evidence and interview inmates or employees at correctional facilities in conducting an investigation of an inmate complaint of sexual assault under this section

(c) Prohibits the ombudsperson from requiring an inmate who reports a sexual assault to assist in the investigation or prosecution of the offense.

Sec. 501.174. DEPARTMENT TO ADOPT POLICY. Requires TDCJ to adopt a policy with certain provisions as set forth in this subsection.

SECTION 2. Requires TDCJ to appoint an ombudsperson and adopt a policy as required by Subchapter F, Chapter 501, Government Code, as added by this Act, not later than December 1, 2008.

SECTION 3. Effective date: upon passage or September 1, 2007.