

BILL ANALYSIS

Senate Research Center
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S.B. 1175
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Sexual violence in the state's prisons and jails, and the failure of government to address such violence, represents one of the most egregious human rights violations in this state. During 2005, 36 percent of sexual assault allegations by prisoners throughout the nation were from Texas prisoners. Limited institutional protection and recourse has made inmates who are the victims of sexual assault cope with long term psychological harm and sexually-transmitted diseases. These inmates, when released into society, are a public safety concern for all Texans.

As proposed, S.B. 1175 establishes and sets forth the duties of an independent sexual assault ombudsperson who reports directly to the Texas Board of Criminal Justice. The bill also authorizes prisoners to submit grievances to the ombudsperson, establishes a civil remedy for these victims, standardizes the evidence collection process, specifically directs the Texas Department of Criminal Justice to collect evidence in accordance with Article 56.06 (Medical Examination for Sexual Assault Victim; Costs), Code of Criminal Procedure, requires the collection of statistical information on prison sexual assaults, and makes such information public.

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, 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 Department of Criminal Justice's (TDCJ) efforts to eliminate the sexual assaults in correctional facilities. Provides that the ombudsperson is based in the inspector general's office.

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's complaint of sexual assault under this section.

Sec. 501.174. DEPARTMENT TO ADOPT POLICY. Requires TDCJ to adopt a policy with provisions as set forth in this subsection relating to assisting an inmate who is a victim of sexual assault.

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.