

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1140
By: Israel et al. (Whitmire)
Criminal Justice
5/13/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recently enacted legislation required the Commission on Jail Standards to establish health care standards for pregnant inmates. However, interested parties continue to allege mistreatment within county jails and assert that state officials lack adequate information to evaluate such care across Texas. C.S.H.B. 1140 seeks to provide the state with reliable information to assess the status of pregnant inmate care and related procedures in Texas.

C.S.H.B. 1140 amends current law relating to the confinement of pregnant prisoners in county jails.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Commission on Jail Standards in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 511, Government Code, by adding Section 511.0103, as follows:

Sec. 511.0103. NOTIFICATION REGARDING POLICY CHANGE. Requires a county jail, in the manner prescribed by the Commission on Jail Standards (commission), to notify the commission of any change in the jail's policies and procedures related to:

- (1) the provision of health care to pregnant prisoners; and
- (2) the placement of a pregnant prisoner in solitary confinement or administrative segregation.

SECTION 2. (a) Defines "commission" to mean the Commission on Jail Standards in this section.

(b) Requires each sheriff, not later than September 1, 2016, to report to the commission regarding the implementation in the county jails in the sheriff's county of policies and procedures to provide adequate care to pregnant prisoners confined in the jail. Requires that a report to the commission be on a form prescribed by the commission and include the following:

- (1) a description of the sheriff's actions to comply with the rules and procedures adopted under Section 511.009(a)(18) (requiring the commission to adopt reasonable rules and procedures establishing minimum requirements for jails to determine if a prisoner is pregnant, and ensure that the jail's health services plan addresses medical and mental health care and any special housing or work assignment needs for persons who are confined in the jail and are known and determined to be pregnant), Government Code, and any policies adopted by the sheriff regarding the placement of a pregnant prisoner in solitary confinement or administrative segregation;

(2) information regarding the health care provided to a pregnant prisoner, including the availability of:

- (A) obstetrical or gynecological care;
- (B) prenatal health care visits;
- (C) mental health care; and
- (D) drug abuse or chemical dependency treatment;

(3) a detailed summary of the following as applicable to pregnant prisoners:

- (A) nutritional standards, including the average caloric intake of a pregnant prisoner and other dietary information;
- (B) work assignments;
- (C) housing conditions; and
- (D) situations in which a pregnant prisoner has been restrained, including the reason a determination to use restraints was made under Section 361.082 (Restraint of Pregnant Inmate or Defendant), Local Government Code; and

(4) the number of miscarriages experienced by pregnant prisoners confined in the jail between September 1, 2015, and the date the report is submitted.

(c) Requires the commission, not later than December 1, 2016, to compile, analyze, and summarize the information contained in the reports submitted by sheriffs under Subsection (b) of this section. Requires the commission to provide a copy of the summary to:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives; and
- (4) each standing committee of the senate and house of representatives having primary jurisdiction over matters relating to corrections.

(d) Requires the commission, as soon as practicable after the effective date of this Act, to prescribe the form for a report required to be submitted under Subsection (b) of this section.

(e) Provides that this section expires February 1, 2017.

SECTION 3. Requires the Commission on Jail Standards, not later than December 1, 2015, to adopt rules to implement Section 511.0103, Government Code, as added by this Act.

SECTION 4. Effective date: September 1, 2015.