

BILL ANALYSIS

Senate Research Center

H.B. 4468
By: Coleman et al. (Whitmire)
Criminal Justice
5/16/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that there is room for improvement in a number of areas relating to counties, such as conditions in a county jail and the awarding of community collaborative grants. H.B. 4468 seeks to make improvements by setting out provisions relating to county jails and community mental health programs in certain counties.

H.B. 4468 amends current law relating to county jails and community mental health programs in certain counties.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Jail Standards is modified in SECTION 1 (Section 511.009, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 511.009(a), Government Code, as follows:

(a) Requires the Texas Commission on Jail Standards (TCJS) to:

(1)–(22) makes no changes to these subdivisions;

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail or through a telemental health service 24 hours a day or, if a mental health professional is not at the county jail at the time, then require the jail to use all reasonable efforts to arrange for the inmate to have access to a mental health professional within a reasonable time; and

(B)–(C) makes no changes to these paragraphs.

SECTION 2. Amends Section 511.011, Government Code, as follows:

Sec. 511.011. REPORT ON NONCOMPLIANCE. (a) Creates this subsection from existing text and makes no further changes.

(b) Requires the compliance status of the facility, if a notice of noncompliance is issued to a facility operated by a private entity under Section 351.101 (Authority To Contract) or 361.061 (Authority to Contract), Local Government Code, to be reviewed at the next meeting of TCJS.

SECTION 3. Amends Section 511.019(d), Government Code, to authorize the TJCS to only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 288 prisoners, rather than not more than 96 prisoners.

SECTION 4. Amends Section 539.002, Government Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Makes a nonsubstantive change. Requires the Department of State Health Services (DSHS), except as provided by Subsection (c), to require each entity awarded a grant under this section (Grants For Establishment and Expansion of Community Collaborative) to:

(1) leverage additional funding or in-kind contributions from private sources in an amount that is at least equal to the amount of the grant awarded under this section; and

(2)–(3) makes no further changes to these subdivisions.

(c) Authorizes DSHS to award a grant under this chapter (Community Collaborative) to an entity for the purpose of establishing a community mental health program in a county with a population of less than 250,000, if the entity leverages additional funding from private sources in an amount equal to one-quarter of the amount of the grant to be awarded under this section, and the entity otherwise meets the requirements of Subsections (b)(2) and (3).

SECTION 5. Amends Section 1701.310(b), Occupations Code, as follows:

(b) Requires a county jailer appointed on a temporary basis to be enrolled in the preparatory training program on or before the 90th day after their temporary appointment. Prohibits a temporary appointment from being renewed, rather than prohibiting a temporary appointment from being renewed except that not earlier than the first anniversary of the date that a person is removed under this subsection, the sheriff is authorized to petition TCJS for reinstatement of the person to a temporary appointment.

SECTION 6. Amends Section 1701.310, Occupations Code, by adding Subsection (f), to prohibit a county jailer appointed on a temporary basis from being promoted to a supervisory position in a county jail.

SECTION 7. Requires TCJS, not later than January 1, 2020, to update rules and procedures as necessary to comply with Section 511.009(a)(23), Government Code, as amended by this Act.

SECTION 8. Effective date: September 1, 2019.