

BILL ANALYSIS

C.S.H.B. 1266
By: Guillen
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It was recently reported that in a given year, the Texas Department of Criminal Justice housed more than five percent of the total number of Texas inmates in administrative segregation facilities, compared with the national average of one to two percent. Observers indicate that many of the individuals held in these facilities are identified as having a serious mental illness or mental retardation diagnosis. Interested parties assert that Texas already ranks low among the states in providing mental health care and that administrative segregation may exacerbate the mental health issues faced by these individuals. The parties note that current policies have significant implications for the availability and allocation of resources to address overall mental health treatment in the prison system and for local mental health facilities that assist individuals who are released from confinement. C.S.H.B. 1266 seeks to address these concerns by providing for a review of and report regarding the use of adult and juvenile administrative segregation in Texas facilities.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1266, in a temporary provision set to expire February 1, 2015, requires the Criminal Justice Legislative Oversight Committee to appoint an independent third party to conduct a review of Texas facilities regarding the facilities' use of adult and juvenile administrative segregation and related statistics and sets out elements that the review is required to address.

C.S.H.B. 1266 requires the independent third party, not later than December 31, 2014, to provide a report of the third party's findings and recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over criminal justice matters. The bill requires the report to contain, at a minimum, detailed recommendations to reduce the administrative segregation population in Texas facilities, divert adults and juveniles with mental illness from administrative segregation, and decrease the length of time adults and juveniles are confined in administrative segregation in Texas facilities. The bill applies state public information law to the third party's review, all information gathered and analyzed for that review, and the report.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1266 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial

differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. ADULT AND JUVENILE ADMINISTRATIVE SEGREGATION TASK FORCE. (a) In this Act:

(1) "Facility" means:

(A) a facility operated by or under contract with the Texas Department of Criminal Justice;

(B) a facility operated by a **county**, a municipality, or a private vendor for the confinement of a person arrested for, charged with, or convicted of a criminal offense; or

(C) a public or private juvenile secure detention facility.

(2) "Inmate" means a person arrested for, charged with, or convicted of a criminal offense of this state or another state of the United States and confined in any facility in this state.

(3) "Task force" means the Adult and Juvenile Administrative Segregation Task Force established under this section.

(b) The Adult and Juvenile Administrative Segregation Task Force is established.

(c) The task force is composed of the following 18 members:

(1) the executive director of the Texas Department of Criminal Justice or the executive director's designee;

(2) the executive director of the Texas Juvenile Justice Department or the executive director's designee;

(3) the executive director of the Commission on Jail Standards or the executive director's designee;

(4) the director of the Texas Correctional Office on Offenders with Medical or Mental Impairments or the director's designee;

(5) the presiding officer of the Correctional Managed Health Care Committee or the presiding officer's designee;

(6) one representative designated by the office of independent ombudsman of the Texas Juvenile Justice Department;

(7) one representative designated by Disability Rights Texas;

(8) one representative designated by the Texas Association of Business;

(9) one representative designated by Texas Impact;

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. DEFINITION.

In this Act,

"facility" means:

(1) a facility operated by or under contract with the Texas Department of Criminal Justice;

(2) a facility operated by a municipality, or a private vendor **on behalf of a municipality**, for the confinement of a person arrested for, charged with, or convicted of a criminal offense; or

(3) a public or private juvenile secure detention facility.

No equivalent provision.

No equivalent provision.

- (10) one representative designated by the Texas Criminal Justice Coalition;
- (11) one representative designated by Mental Health America of Texas;
- (12) one representative designated by the National Alliance on Mental Illness; and
- (13) six members appointed by the governor, consisting of:
 - (A) one representative of a nonprofit entity involved with the reintegration of inmates;
 - (B) one representative of a faith-based organization involved with the reintegration of inmates;
 - (C) one member who was convicted of a criminal offense in this state;
 - (D) one member who has expertise in issues related to adult or juvenile criminal justice; and
 - (E) two members who have expertise in issues related to administrative segregation, seclusion, or solitary confinement.
- (d) The governor shall designate a member of the task force to serve as presiding officer.
- (e) The task force shall meet at the times and places that the presiding officer determines are appropriate.
- (f) A member of the task force is not entitled to compensation but is entitled to reimbursement for the member's actual and necessary expenses incurred in attending meetings of the task force and performing other official duties authorized by the presiding officer of the task force, as provided by the General Appropriations Act.
- (g) The task force is not subject to Chapter 2110, Government Code.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION 2. DUTIES OF TASK FORCE.

The task force shall:

- (1) conduct a comprehensive review of administrative segregation and seclusion policies and practices in facilities in this state;

SECTION 2. REVIEW OF ADMINISTRATIVE SEGREGATION POLICIES.

The Criminal Justice Legislative Oversight Committee shall appoint an independent third party to conduct a review of facilities in this state regarding the facilities' use of adult and juvenile administrative segregation and related statistics, including:

- (1) classification to administrative segregation and release from administrative segregation;
- (2) security threat group classification;
- (3) notification of release and release procedures;

- (2) develop methods to:
- (A) reduce the number of inmates and juveniles housed in administrative segregation or subject to other restrictive means of confinement; and
 - (B) provide inmates and juveniles housed in administrative segregation with increased access to programs, services, and mental health treatment; and
- (3) make findings and policy recommendations relating to the use of administrative segregation in facilities in this state.

SECTION 3. REPORT. Not later than December 1, 2014, the task force shall deliver a report of the task force's findings and recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, the standing committees of each house of the legislature with primary jurisdiction over criminal justice matters, the executive director of the Texas Department of Criminal Justice, and the executive director of the Texas Juvenile Justice Department.

(No equivalent provision, but see SECTION 2, Subsection 2.)

- (4) access of adults and juveniles confined in administrative segregation to:
 - (A) mental health services;
 - (B) health care services;
 - (C) substance abuse programs and services;
 - (D) reentry resources and transitional programs and services; and
 - (E) other programs and services that are available to the general adult and juvenile population;
- (5) access of adults confined in administrative segregation to programs and services for adults who are veterans;
- (6) the number of adults and juveniles confined in administrative segregation who were referred to mental health professionals;
- (7) the average length of time adults and juveniles were continuously confined in administrative segregation; and
- (8) the rate of recidivism among adults and juveniles who were confined in administrative segregation at any time.

(No equivalent provision, but see SECTION 3.)

No equivalent provision.

SECTION 3. REPORT. Not later than December 31, 2014, the independent third party shall provide a report of the third party's findings and recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over criminal justice matters.

- At a minimum, the report must contain detailed recommendations to:
- (1) reduce the administrative segregation population in facilities in this state;
 - (2) divert adults and juveniles with mental

illness from administrative segregation; and
(3) decrease the length of time adults and juveniles are confined in administrative segregation in facilities in this state.

No equivalent provision.

SECTION 4. EXPIRATION. The task force is abolished and this Act expires August 31, 2015.

SECTION 5. INITIAL APPOINTMENTS; FIRST MEETING. (a) Not later than the 60th day after the effective date of this Act, the governor shall make the appointments required by Section 1(c) of this Act.
(b) The presiding officer of the task force shall convene the first meeting of the task force not later than December 1, 2013.

SECTION 6. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 4. PUBLIC INFORMATION. Chapter 552, Government Code, applies to:
(1) the review conducted by the independent third party under this Act and all information gathered and analyzed for that review, including background research and any report or summary; and
(2) the report submitted by the independent third party under Section 3 of this Act.

SECTION 5. EXPIRATION. This Act expires February 1, 2015.

No equivalent provision.

SECTION 6. EFFECTIVE DATE. This Act takes effect September 1, 2013.